

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Counter not

05. 24. 05. 02.

As per request made on behalf of learned Counsel for the petitioners matter is adjourned to 03.07.02.

Member (S).

ORDER NO.06 DATED: 03.07.2002

Heard Mr. A.K.Nayak, learned Counsel for the Applicant and Mr. J.K.Nayak, learned Additional Standing Counsel appearing for the Respondents.

Applicant, an Extra Departmental Delivery Agent of Postal Department was kept in charge of the Branch Post Office. While discharging the duties of Branch Post Office, there were financial irregularities; for which the Applicant was kept under "put-off duty". Upon facing the disciplinary proceedings, he faced "removal" from ~~Government~~ ^{of} services ~~from~~ ^{of} Extra Departmental Postal organisation. As against the punishment of "removal", the Applicant preferred an appeal to the Director of Posts and, on consideration of the said appeal, the appellate authority reduced the punishment to that of "Censure". As a consequence thereof, the Applicant was directed to be reinstated. However, while directing reinstatement, the appellate authority refused to make any arrear payments to the Applicant. In the present Original Application the appellate order in question has been challenged.

9-11-2001

Call on 26-11-2001 for

Counter

9/11/2001

REGISTRAR

Counter of filed.

For order

for

26-11-2001

Sh. J.K. Nayak, Ld. TSC

has filed one MA and prays for 4 weeks time to file counter. Heard. Time granted till 21-12-2001 for counter.

REGISTRAR

Counter not

Registrar

20/12

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

7-1-2002

Sh. J.K. Nagal, Ld ASC
files a petition and prays for
4 weeks time to file counter-
Memorandum. Time granted as
Last chance to file counter-
by 28-1-2002

[Signature]
7/1/2002

Counter not
filed.
Last chance
over.

[Signature] 28/1

28-1-2002

Ld ASC Sh. J.K. Nagal
files a petition and prays
for 4 weeks time to file
counter. Mem. Last
chance is already availed
by him and no further
chance can be granted.
Accordingly time petition
is rejected.

Put up before the Bench
for further order.

[Signature]
28/1/2002

REGISTRAR

Consider not filed.
Bench

[Signature]
6/2/02

This Tribunal is not Appellate authority to make a reappraisal of the matter, which has given a rest by the Appellate authority. The Advocate for the Applicant states that in this Original Application, the quantum of punishment (which includes refusal to grant arrear salaries) has, virtually, been challenged. It is the case of the Applicant that while ordering for reinstatement, the appellate authority should not have refused to pay their arrears. While modifying the punishment, the Appellate authority simply asked for reinstatement of the Applicant and did not pass an order directing to treat the Applicant to be continuing in service all-through and, therefore, the Appellate authority rightly refused to pay any arrears. In this Original Application, the Applicant has pointed out ~~that~~ no statutory lapses and, therefore, this Tribunal, not being the Appellate authority, cannot go into any other aspect of the matter to grant any relief to the Applicant. The Appellate authority, having all competence, has redressed the grievances of the Applicant and there remains nothing more, in the present Original Application, to redress the grievances of the Applicant.

In the aforesaid premises, this Original Application, being devoid of merit, is hereby dismissed; but however, there shall be no order as to costs.

[Signature]
03/07/2002
MEMBER (JUDICIAL)