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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.389 of 2009
Cuttack this the 25th day of September, 2012

CORAM:

THE HON'BLE MR C.R.MOHAPATRA, MEMBER(ADMN.)
AND
THE HON'BLE MR. A.K.PATNAIK, MEMBER(JUDL.)

Panchanan Rout, aged about 50 years, S/o. Nabakishore Rout, At-Bhandaripada, PO-Sanalpur, Via-Dhusuri, District-Bhadrak, Ex-GDS BPM, Sanalpur B.O.

...Applicant
By the advocates: M/s.P.K.Mohanty, G.S.Satapathy, D.N.Mohapatra,
Smt.J.Mohanty, P.K.Nayak & S.N.Dash
-Versus-

1. Union of India represented through Director General of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Orissa Circle, Bhubaneswar, At/PO-Bhubaneswar, District-Khurda.
3. Director, Postal Services (Headquarters), Bhubaneswar, At/PO-Bhubaneswar, District-Khurda.
4. Superintendent of Post Offices, Bhadrak Division, Bhadrak, At/PO/District-Bhadrak

...Respondents

By the Advocates:Mr.S.B.Jena, ASC

O R D E R

C.R.MOHAPATRA, MEMBER(ADMN.):

In this Original Application under Section 19 of the A.T.Act, 1985, applicant has sought for the following relief.

- i) Admit this application and after hearing the parties, quash the impugned orders vide Annexures-2, 3, 5 and 6; and
- ii) Consequently direct for reinstatement of the applicant in his service with retrospective effect notwithstanding any order passed in the disciplinary proceedings as aforesaid with all service benefits including remuneration and other allowances forthwith.

2. The case of the applicant is that while working as

Gramin Dak Sevak Branch Post Master (in short GDS BPM) of Sanalpur Branch Office, he was proceeded against under Rule-10 of

GDS(Conduct & Employment) Rules, 2001 on the allegation of misappropriation. On denial of the charges leveled against him, an inquiry was conducted. Applicant, as it reveals from the record, was allowed to engage his Defence Assistant. On conclusion of inquiry, applicant was supplied with copy of the inquiry report, calling upon him to make representation, if any, on the inquiry report. In response to this, applicant submitted his defence statement 17-03-2003. Thereafter, the Disciplinary Authority, after consideration of the report of the IO and the representation of the applicant, imposed on the applicant the punishment of removal from service vide Annexure-A/2 dated 03/15.12.2003. Aggrieved with the above order, applicant preferred an appeal dated 22.03.2004 to the Appellate Authority, who confirmed the order of punishment imposed by the Disciplinary Authority, vide Annexure-A/3 dated 19.8.2004. Thereafter, applicant submitted a petition dated 14.11.2005(Annexure-A/4) which was rejected by the Revisional Authority vide Annexure-A/5 dated 25.4.2006 as time barred. Applicant, thereafter submitted another petition dated 31.7.2008 seeking review of the order dated 25.4.2006 on the ground that he was not mentally well due to illness of his wife and sudden death of his brother. However, this petition, vide order dated 15.5.2009(Annexure-A/6) was also rejected. In the circumstances,



applicant has moved this Tribunal in the present Original Application seeking relief as referred to above.

3. Respondent-Department have contested the Original Application by filing a detailed counter. They have submitted that the applicant having been punished after following the due procedure of law and there being compliance of the principles of natural justice at every stage of the disciplinary proceedings and that the charges leveled against him having been proved, he has rightly been imposed with the punishment of removal from service. In the circumstances, Respondents have prayed before the Tribunal not to interfere with the matter and accordingly, dismiss the O.A. being devoid of merit.

4. Applicant has not filed any rejoinder refuting the submissions made by the Respondent-Department in their counter.

5. We have heard Shri G.S.Satpathy, learned counsel for the applicant and Shri S.B.Jena, learned Addl.Standing Counsel for the Respondent-Department and perused the materials on record.

6. Before proceeding with the matter, we would like to say that law is well settled that in the matter of disciplinary proceedings, the scope of interference by the Court/Tribunal is very limited. The Court/Tribunal can interfere in the matter if the charges leveled against the delinquent are vague and unspecific and based on no evidence and/or there has been violation of any rule or principles of natural justice have not been complied with during the course of the

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proceedings. In addition to the above, the Tribunal can also interfere with the matter if the decision taken by the Disciplinary Authority is based on no evidence. Therefore, within the above parameters, we are to consider the case in hand.

7. Applicant has not annexed to the O.A. copy of representation made by him against the inquiry report. We have gone through the grounds urged by the applicant in the O.A. in support of his contention. At the same time, we have also gone through the order of the Disciplinary Authority as well as the order of the Appellate Authority. Although the applicant has not furnished copy of his representation against the report of the I.O., but the Disciplinary Authority has not left any point out of consideration. There has been no allegation of violation of any rule or instruction or the principle of natural justice by the applicant during the course of inquiry. Nor it is the case of the applicant that the decision taken by the Disciplinary Authority or for that matter the Appellate Authority is based on no evidence. For the reasons discussed above, we are not inclined to interfere with the orders of the DA, AA and the Revisionary Authority. Accordingly, the O.A. is dismissed being devoid of merit.

No costs.


(A.K.PATNAIK)
MEMBER(JUDL)


(C.R.MOHAPATRA)
MEMBER (ADMN.)