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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 73 OF 2010

CUTTACK THIS IS THE 12th DAY OF AUG., 2010

P. Biswal Applicant

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not?


(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(G. SHANTHAPPA)
JUDICIAL MEMBER

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CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 73 OF 2010

CUTTACK THIS IS THE 12th DAY OF AUG., 2010
CORAM:

HON'BLE MR. G. SHANTHAPPA, JUDICIAL MEMBER
HON'BLE MR. C.R. MOHAPATRA, ADMN. MEMBER

Sri P. Biswal, aged about 62 years, S/o- P. Biswal, a permanent resident of Teroi, Po- Teroi, Ps-Pattamundai, Dist-Kendrapara, EDBPM/GDSBPM of Teroi Branch Post Office under Kendrapara Head Post Office, Kendrapara.

..... Applicant

By the Advocate(s) M/s-S.K. Ojha,
D.K. Mohanaty

Vs.

1. Union of India, represented by it's Director General (Posts), Ministry of Communications, Dak Bhawan, Asoka Road, New Delhi.
2. The Chief Postmaster General, Orissa Circle, Bhubaneswar.
3. The Director of Postal Services, Office of the CPMG, Bhubaneswar.
4. Superintendent of Post Offices, Cuttack North Division, Cuttack.
5. Sri P. Nayak, Inspector Posts, Jajpur Road Sub Division cum Inquiring Officer, Jajpur.

..... Respondents

By the Advocate(s)..... Mr. P.R.J. Dash, ASC



ORDERHON'BLE MR. G. SHANTHAPPA, JUDICIAL MEMBER

M.A.335/10

(Arising out of O.A. No.73/2010)

This M.A. is filed by the Respondents seeking the relief for appropriate direction to allow the Respondents to start the Departmental Inquiry against the Applicant immediately. The said relief was granted by this Tribunal in O.A. 57/08, this Tribunal while allowing the O.A. it was observed as follows;_

"...The O.A. is allowed and the Respondents are directed to appoint an Inquiry Officer other than the superior officer of the applicant and the inquiry has to start from the stage of taking over the charge of the proceedings by the present Inquiry Officer. Till another Inquiry Officer is appointed and assumes charge as Inquiry Officer, the disciplinary inquiry against the shall be kept in abeyance."

2. Since there is direction of the Tribunal in the earlier O.A., the Respondents are not able to continue the proceedings. The Disciplinary Authority has appointed the Inquiry Officer. The Applicant in the O.A. has no objection for continuation of the inquiry as directed by the Tribunal.

3. The Respondent's contention is that they have to continue the inquiry from the date of new Inquiry Officer has been appointed and he has to continue the inquiry from the date from which the earlier inquiry was stopped.



4. The Ld. Counsel for the applicant submits that since there was a direction of this Tribunal that the inquiry has to start from the stage taking over the charge of the proceedings by the present Inquiry Officer i.e., de novo enquiry. When there is no new Inquiry Officer was appointed, at the relevant point of time, the question of new Inquiry Officer has to start the inquiry from the stage of taking over the charge of the proceedings did not arise. The Respondents in their objection wrongly interpreted that the inquiry has to start by the new Inquiry Officer from the stage it was stopped by the earlier Inquiry Officer.

5. We are clarifying in this order, the new Inquiry Officer has to conduct denovo inquiry from the date of the representation to the charge memo was submitted by the applicant. Accordingly, M.A.335/10 is disposed of.

6. The relief in the present O.A.73/2010 is to quash the proceedings/enquiry initiated against the Applicant and to quash the letter under Annexure-A/3 dated 16.05.09 and the order passed by the I.O dated 27.10.2009 in Annexure-A/5 in denying to start the enquiry from the beginning as directed by this Tribunal in Annexure-A/1 and the Disciplinary Authority in Annexure-A/2. Since we have passed the orders on M.A.335/10 supra, ~~for~~ consideration of main relief in the O.A. is unnecessary.

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7. Accordingly, on the consent of the Ld. Counsel for both sides, the Respondents authorities are directed to conclude the enquiry within one month from the date of receipt of the copy of this order. The applicant has undertaken, he will cooperate with the Inquiry Officer to conclude the enquiry at an early date within the time frame.

8. With the above observation and direction, this Original Application is disposed of. No costs.


(C. R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(G. SHANTHAPPA)
JUDICIAL MEMBER

Kalpeswar/C.M