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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 646 of 2016
Cuttack this the 23rd day of September, 2016

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)
HON'BLE SHRI S.K.PATTNAIK, MEMBER (J)

Avarani Pradhan aged about 56 years W/o Shri Batakrushna Sahoo, resident of At-Makaraba Sahi, Bauxi Bazar, PO Cuttack GPO, PS Dargha Bazar, District Cuttack, Odisha – 753 001.

...Applicant

By the Advocates: Shri C.P.Sahani
Shri P.K.Samal
Shri D.P.Mohapatra

-VERSUS-

1-Union of India represented through its Secretary-cum-Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi – 110 116.

2. Chief Post Master General, Odisha Circle, At/PO Bhubaneswar, District Khurda, Odisha – 751 001.

3. The Senior Superintendent of Post Offices, Cuttack City Division, Cuttack- 753 001.

...Respondents

By the Advocate : Shri P.K.Mohanty

O R D E R (Oral)

S. K. PATTNAIK, MEMBER (J) :

Applicant has filed this O.A. for quashing the order of suspension passed on 23.5.2016 (A/1) and the order dated 13.8.2016 extending the suspension for a period of 180 days in view of recommendations of the Review Committee.

*S. K. PATTNAIK
23/9/16*

2. Now, the applicant seeks review of the suspension order on the basis of DOP&T Office Memorandum dated 23.8.2016 which has been passed in pursuance to the pronouncement of the Hon'ble Apex Court in the case of Ajaya Kumar Choudhury vs. Union of India & Ors. (Civil Appeal No.1912 of 2015 - decided on 16.2.2015).

3. Going through the said Office Memorandum, it is amply clear that the charge sheet should be submitted before expiry of 90 days from the date of suspension or else the suspension will lapse in case the time line is not adhered to. In view of such latest Office Memorandum of DOP&T, the Department is bound to review their own decision as it is not permissible to pass any order contrary to the observation of the Hon'ble Apex Court and subsequently, clarified by vide DOP&T Office Memorandum (supra). Hence, this O.A. is disposed of with a direction to respondents to review the suspension order in the light of the latest circular/office memorandum issued by the DOP&T based on the judgment of the Hon'ble Supreme Court referred to above and pass appropriate orders, as expeditiously as possible.

4. With the observation and direction as aforesaid, the O.A. is disposed of at the stage of admission itself. No costs.

5. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to res.nos.2 and 3 at the cost of the applicant for which Mr.C.P.Sahani undertakes to file the postal requisites by 26.9.2016.

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6. Free copy of this order be made over to learned counsel

for both the sides.

S.K.PATTNAIK
(S.K.PATTNAIK)
MEMBER(J)

R.C.MISRA
(R.C.MISRA)
MEMBER(A)

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