

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 527 OF 2013

Cuttack, this the 7th day of August, 2013

CORAM

HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

.....

Prafulla Kumar Guru,
aged about 49 years,
S/o Sandhu Guru,
At- Jharanda,
Po.- Sadangi,
P.S//Via- Gondia,
Dist- Dhenkanal.

...Applicant

(Advocate(s) : Mr. S. Pattnaik)

VERSUS

Union of India Represented through

- 1 Director General of Postal Dakbhawan,
Sansad Marg,
New Delhi-110001.
2. Chief Post Master General,
Odisha Circle,
At/PO- Bhubaneswar,
Dist. Khurda.
3. Superintendent of Post office,
Dhenkanal Division,
At/PO/ District-Dhenkanal.

... Respondents

(Advocate: Mr. D.K.Behera)

ORDER

MR. R.C.MISRA, MEMBER(ADMN.):

Heard Sri S.Pattnaik, Ld. Counsel for the applicant.

2. The case of the applicant is that when he was working as GDS, Sub-Post Master, he was proceeded against and after the conclusion of the disciplinary proceeding, the Disciplinary Authority by an order dated 22.07.2006 imposed on him the punishment of removal from service. He



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referred an appeal against this order to the Appellate Authority. Appellate Authority ~~also~~ rejected his prayer. He then approached this Tribunal by filing O.A. No. 312/08 praying for setting aside the order of removal from service. This Tribunal heard the matter and by an order dated 21.04.2010 quashed the memorandum of charges as well as orders passed by the Disciplinary Authority, the Appellate Authority as well as the order passed by the Director of Postal Services. However, the Tribunal in its order made it clear that if the Respondent-department are willing to proceed against the applicant in compliance of Rule 51 of P&T Manual, they are at liberty to do so and in the event the entire proceeding shall be completed within a period of 120 days from the date of receipt of this order, failing which the proceeding so initiated shall be deemed to have been quashed making the applicant entitled to all the consequential service benefits. Ld. Counsel for the applicant has brought to my notice Annexure-A/4 of the O.A. in which the departmental authorities have again started proceeding against the applicant, however, they have not reinstated him in duty in compliance of the orders of the Tribunal. Thereafter, the applicant has made representations to the Chief Post Master General, Odisha Circle (Respondent No.2) on 28.07.2010, 05.08.2010 and also on 05.01.2011 at Annexure-A/5 series with a prayer that he should be paid the back wages for the period from the date he was removed from service till the date of orders of the Tribunal when he was reinstated.

3. Fate of the fresh proceeding initiated on 31.05.2010 is not known and the Ld. Counsel for the Respondents has no instruction in the matter. Prima facie, I find that Respondents-department has not responded to the various representations made by the applicant and although it appears




from the orders of the Tribunal that after quashing of the orders of punishment imposed on the applicant, the applicant should have been first reinstated and thereafter fresh proceeding should have been started against him as per the liberty given by the Tribunal, ^{sl} such a compliance of the order of the Tribunal has not been done by the Respondent-department.

4. Mr. D.K.Behera, Ld. Counsel appearing for the Respondents, has no immediate instruction about the present status of the representations. Therefore, without going into the merits of this case, I direct Respondent Nos. 2 and 3 to dispose of the pending representations, if they are pending at their level, in detailed and speaking order and communicate the decision to the applicant within three months of the receipt of this order.

5. Copy of this order, along with paper book, be sent to both Respondent Nos. 2 and 3, for which postal requisite will be filed by the Ld. Counsel for the applicant by 08.08.2013.

6. O.A. is, accordingly, disposed of at the stage of admission.


MEMBER (Admn.)

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