CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 528 of 2014
Cuttack this the 8th day of July, 2014

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

.....

Sri Ganeswar Puhan aged about 53 years, S/o. Late Hagur Puhan, At-Donla, Po.Suakati, PS-Nayakote, Dist. Keonjhar, presently working as Bindery Assistant, Office of the Manager, Postal Printing Press, Bhubaneswar-751010, Dist. Khordha.

...Applicant

(Advocates: M/s.S.D.Tripathy)

VERSUS

Union of India represented through -

1. The Secretary-Cum-D.G. of Posts, Dak Bhawan, New Delhi.
2. Manager, Postal Printing Press, Bhubaneswar-751010, Dist. Khordha.

... Respondents

Advocate: Mr.B.K.Mohapatra

ORDER (Oral)

A.K. PATNAIK, MEMBER (JUDICIAL):

The Applicant who is working as a Bindery Assistant in the office of the Manager, Postal Printing Press, Bhubaneswar, being aggrieved by the letter dated 18th March, 2014 (Annexure-A/1), issued by the Manager, Postal Printing Press, Bhubaneswar (Respondent No.2) has filed the instant Original Application praying for the following reliefs:

> "The Original Application may be admitted and the impugned order under Annexure-1 may be set aside with a direction to the Respondent No.2 for not proceeding ahead in the proposed Disciplinary Proceeding on the ground of nonpayment of dues by the applicant to Orissa State Cooperative Bank Ltd."

2. Copy of this Original Application has been served on Mr. B.K.Mohapatra, Learned Additional CGSC for the Respondents. Heard Mr. S.D.Tripathy, Ld. Counsel for the Applicant, and Mr. B.K.Mohapatra,

Learned Additional CGSC appearing for the Respondents and perused the records. The case of the applicant is that the applicant has been prosecuted U/s. 68 of the Orissa Cooperative Societies Act, 1962 for recovery of the alleged dues in Dispute Case No. 315/2010 & 314/2010 in the learned Court of Registrar of Cooperative Societies, Odisha, Bhubaneswar in which the applicant has already entered appearance and the matter is still under subjudice. Since the matter is under subjudice before the appropriate Court of law, Managing Director, Odisha State Cooperative Bank Ltd, Bhubaneswar should not have issued letter No. Vig/Bank Loan/Misc./2012 dated 03.01.2014 to the Respondent No.2 who in turn should not have directed vide letter dated 18th March, 2014 to credit the due amount in the Bank by 31.3.2014 and submit the 'no due' certificate by 01.04.2014 failing which disciplinary action will be initiated against him. Hence, Mr. Tripathy while praying for issuance of notice to the Respondent's he has also prayed for stay of the operation of the said letter. This was strongly opposed by Mr. Mohapatra on the ground that Respondent No.2 served notice on the applicant on the basis of the letter dated 03.01.2014 of the Managing Director, Odisha State Cooperative Bnak, Ltd., Bhubaneswar. If the applicant is aggrieved, he should have challenged the said letter dated 03.01.2014 of the Bank Authority in Dispute Case No. 315/2010 & 314/2010 pending before the Learned Court of Registrar of Cooperative Societies, Odisha, Bhubaneswar or else he could have given in writing to the Respondent No.2 or the next higher authority showing cause for not proceeding further in the matter and therefore, approaching this Tribunal in the instant OA without availing of the opportunity available to him, at this stage, this Tribunal lacks jurisdiction to entertain this OA so as to decide the

matter on merit. Hence he has prayed for dismissal of this OA being not maintainable at this stage.

3. We have considered the rival contentions of the parties and perused the pleadings and the letter dated 18th March, 2014. We find that Respondent No. 2 issued this letter dated 18th March, 2014 based on the letter dated 03.01.2014. Law is well settled that to get rid of the "weed" so to speak, one had to eliminate the 'root'. Therefore, if issuance of the letter dated 03.01.2014 during the pendency of the Dispute Case No. 315/2010 & 314/2010 in the learned Court of Registrar of Cooperative Societies, Odisha, Bhubaneswar was in any manner not permissible, the applicant may have to approach before the appropriate forum and certainly this Tribunal has no jurisdiction to decide on a dispute relating to nonpayment of Bank Loan etc.

4. Further we find that in the letter dated 18th March, 2014, the applicant has been asked to credit the due amount by 31.3.2014 and submit no due certificate by 1.4.2014 failing which disciplinary action will be initiated against you. By the dates during which he was asked to deposit the defaulted amount and submit the report have in the meantime been lapsed. This apart, the letter dated 18th March, 2014 is neither a charge sheet nor an order of punishment. The Respondent No.2 has given him only an opportunity to credit the defaulted amount which is public money and nobody can be allowed to swindle away the same. It does not give rise to any cause of action because it does not amount to an adverse order which affects the right of the applicant. The truth of the matter is that the court will invalidate an order only if the right remedy is sought by the right person in the right proceedings and circumstances, which is not the instant case.

5. Viewed the matter on any angle we find no reason to admit this OA. Hence this OA stands dismissed by leaving the parties to bear their own costs.

(R.C.Misra)
Member (Admn.)

(A.K.Patnaik)
Member (Judicial)