

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A.1265 of 1996

Date of order : 7.12.2001

Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman
Hon'ble Mr. S. Biswas, Administrative Member

HARAPRASAD BISWAS

VS.

UNION OF INDIA & OTHERS

For the applicant : Mr. A.N. Roy, counsel

For the respondents : Mr. B.K. Chatterjee, counsel

O R D E R

D.N. Chowdhury, V.C.

This application under Section 19 of the Administrative Tribunals Act, 1985 has arisen out of a situation on appointment of the applicant. The applicant was appointed as Extra Departmental Delivery Agent(EDDA) at Natungram Sub-Post Office on the basis of a selection made by the concerned authority. On receipt of the appointment letter dated 11.9.95 issued by the respondents he went to join duty, but he was prevented by some private persons who are pleaded as respondent No.9 to 15 in this O.A.. It has been stated that the applicant was prevented from signing the attendance register. He lodged a complaint to the local police station on 14.9.95 and thereafter again he went to the office on 14.9.95 and on 15.9.95, but he was not

allowed to join duty. After that he tried to join duty again, but he was prevented in the same manner. It has further been stated that the applicant could join his duty with the help of respondent No. 7 and 8 on 30.9.95 as E.E.D.A. and signed the Attendance Register. The respondent No.6 handed over the charge to the applicant on that day. It is also mentioned in the application that when he was discharging his duties on 30.9.95 as E.E.D.A. at Natungram Sub-Post-Office, the respondent No.9 to 15 physically assaulted him. The applicant informed the matter to the authority and also to the Police. The accused were chargesheeted and a criminal case was filed by the applicant in this matter.

2. We have heard the 1d. counsel for both sides and have perused the records.

3. The 1d. counsel for the respondents has submitted that the accused persons in the said criminal case were acquitted and he produced the photocopy of the judgment passed in their favour.

4. The applicant in this application has prayed for a direction for interference. The respondents contested the case stating that the dispute is a private dispute between the parties concerned. The respondents intimated the matter to the police for necessary action. There is no dispute as to the appointment of the applicant. It has been further stated by the respondents that they took the measures which were possible

under the law.

5. However, the question is of higher importance. The applicant was appointed but he was not permitted to join duty in the department. May be the official respondents were not directly responsible for that, but the stand taken by them in the reply is too casual. The official respondents are public authority to serve public interest. When such allegation of serious nature is made, it is required to be enquired by them at higher level and take necessary measure. The matter cannot be disregarded as a pure law and order problem as argued by the learned counsel for the department. It is a matter of higher ramification impropitiously and awfully upsetting the very fabric of the Rule of law on which our constitutional system rests. Such matters could not be left to the law and order maintained by the administration. Acquittal of the accused from criminal offence does not demolish the veracity of the version of the applicant under our system where the prosecution is regarded to probe its case beyond reasonable doubt. At any rate it will not solve the issue. In this case, the official respondents could have taken some other measure to engage the applicant in near about places instead of waiting for the decision of the criminal court.

5. In the said facts and circumstances, we are of the view that the matter is required to be looked into at a higher level. Accordingly, we direct the Chief Post Master General to look into the subject and cause an enquiry into the matter.

to resolve the situation in a fair and equitable manner in the context of factual situation. The respondent authorities (official) are further directed to find out as to whether any alternative measure can be taken to solve the situation i.e. by way of posting the applicant in some other place or otherwise. The applicant is directed to file a representation ^{also} to the Chief Post Master General stating his grievances in this matter. It is expected that the respondents will enquire the matter and pass a reasoned and speaking order as possible preferably within a period of 3 months from the date of communication of this order. With these observations, the application is disposed of. No order is passed as to costs.

S.B.
MEMBER(A)

S.M.

VICE-CHAIRMAN