

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.D.A.85 of 1997

Present : Hon'ble Dr.B.C.Sarma, Administrative Member.

Hon'ble Mr.D.Purkayastha, Judicial Member.

MR.AMINUL HAQUE
S/o Late Ahad Ali Sheikh
worked for gain as
Sub-Post Master in Kamari
Sub-Post Office, Vill.
Kamari, P.S.Kaliganja,
Dist. Nadia.

... Applicant

Vs.

1. Union of India through the Secretary,
Ministry of Communication, Govt. of
India, New Delhi.
2. Director of Postal Services, Calcutta
Region, Calcutta-12.
3. Post Master General, Calcutta Region,
Calcutta-12.
4. Superintendent of Post Offices,
Nadia North Division, Krishnanagar.
5. Assistant Superintendent of Post Offices,
Nadia Krishnanagar Central Division,
Krishnanagar.
6. Inspector of Post Offices, Debagram
Circle, Kaliganj, Nadia.

... Respondents

For the applicant : Dr.S.Sinha, counsel.

For the respondents: Mr.B.Mukherjee, counsel.

Heard on : 10.12.1997 &
9.2.1998.

Order on : 9.2.1998

ORDER

B.C.Sarma, A.M.

In this application the applicant has raised the grievance that although he has been acquitted ⁱⁿ from the criminal case which was filed against him for alleged misappropriation of Government money in the matter of depositing such money into



..2/-

the savings bank account of different customers to the tune of Rs.10,825/- ^{he was not allowed to join duty}. The applicant contends that he was placed under put-off duty w.e.f. 2.8.1981 on the said charges and the ld.Additional Sessions Judge, 1st Court, Nadia, by a judgment dated 30.3.1996, had acquitted him in that case. The applicant has annexed a copy of the certified copy of the judgment passed by the ld.Additional Sessions Judge, Nadia.

2. Mr.B.Mukherjee, ld.counsel appearing for the respondents submits that ~~he has no instruction in the matter~~. The departmental agents had submitted to him the para-wise comments of the application and the reply has not been drafted as yet.

3. We have considered the submissions of the ld.counsel for both the parties and perused records. We find from the annexure in the petition that the applicant was acquitted in the Special Court Case No.5/87 u/s 409 of IPC by a judgment dated 30.3.1996. The ld.counsel for the applicant submits that there was another case instituted against the applicant being Kaliganj P.S. No.19(5)85 u/s 409/ IPC but her client was discharged u/s 167(5) Cr.PC on 9.6.1994. Ld.counsel further submits that the said case no.18 was converted to Special Case No.5/87 for the Additional Sessions Judge before the Special Court. Therefore, according to the ld.counsel for the applicant, there is no criminal case pending against the applicant and he has been acquitted and discharged from such proceedings. However, Mr.B.Mukherjee, ld.counsel for the respondents, submits that copies of the judgment are being obtained by them and the department is proceeding to institute disciplinary proceedings against him since the offence involves misappropriation of Government fund.

4. In view of the above position, we are of the opinion that the application can be disposed of at the stage of admission hearing itself by passing appropriate orders. Accordingly, the application is disposed of with the direction that the

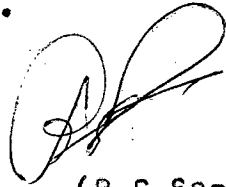


respondent no.4, who is the Superintendent of Post Offices, Nadia North Division, Krishnanagar P.O. and P.S. Krishnanagar, Dist. Nadia, shall dispose of the representation, dated 12.8.1996, and subsequent representations on this issue within a period of two months from the date of communication of this order. The result of such consideration of the said representations shall also be conveyed to the applicant within a period of 15 days from the date of taking of such decision. This is, however, without any prejudice to the liberty to be exercised by the respondents in the matter of drawal of disciplinary proceedings against the applicant, if permitted by the rules.

5. No order is passed as to costs.



(D. Purkayastha)
Judicial Member



(B.C. Sarma)
Administrative Member