

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1616/2002

Tuesday, this the 2nd day of July, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Chandra Kishore s/o Late Shri Shiv Charan Lal
Gramin Dak Sevak Packer
Post Office D.S.College
Aligarh (UP)

Residential Address

Opposite Gyan Guest House
Sasni Gate-Aligarh

..Applicant

(By Advocate: Shri D.P.Sharma)

Versus

1. Union of India
through Secretary
Ministry of Communication
Department of Posts
New Delhi
2. The Senior Supdt. Post Offices
Aligarh Division-Aligarh
3. The Sub-Divisional Inspector Post Office
East Sub-Division-Aligarh.

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:-

By an order passed on 31.1.2002 (A-1), the applicant was placed on put-off duty in accordance with Rule 12 of GDS (Conduct & Employment) Rules, 2001. A formal charge-sheet has not been issued yet and, according to the learned counsel appearing on behalf of the applicant, no further action has been taken by the respondents in the matter.

2. By a letter dated 10.4.2002 (A-7), the applicant has made a representation raising some issues and requesting the respondents to take back the applicant on
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(2)

duty. One of the issues raised therein is with regard to the power to place the applicant on put-off duty at a stage when departmental proceedings are ^{only} contemplated and have not been initiated. The specific rule relied upon has been reproduced at A-5. We have perused the aforesaid rule and find that the same does not rule out the possibility of placing the applicant on put-off duty even before formal disciplinary proceedings have been initiated. The very same rule, however, also lays down that an ED Agent cannot be put-off duty merely on the ground of suspicion without making any inquiry whatsoever. The applicant's case is that he was put-off duty without making any preliminary inquiry and without seeking any explanation from the applicant himself. To this extent, according to the learned counsel, the placing of the applicant on put-off duty stands vitiated.

3. The next rule relied upon by the learned counsel has been reproduced at A-6 which seeks to lay down a period of 45 days within which disciplinary proceedings ought to be finalized by the respondents. Delays can of course ~~be~~ ² ~~occure~~ due to unavoidable reasons, but, in that case, the matter, according to the same rule, would need to be reported to the higher authorities for passing appropriate orders. The learned counsel appearing on behalf of the applicant submits that even though more than 45 days have elapsed since the applicant was placed on put-off duty, the respondents have not conducted any exercise as envisaged in the aforesaid rule and have not reported the matter to higher authorities.

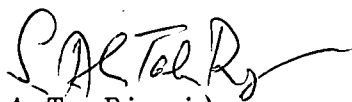
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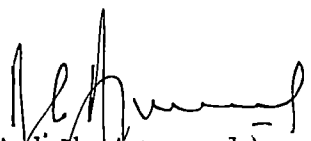
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(3)

4. We have considered the aforesaid submissions made by the learned counsel and find that in the circumstances placed before us by the learned counsel, the ends of justice will be duly met by disposing of the present OA at this very stage even without issuing notices with a direction to the respondents to issue a charge-sheet, if so advised, and finalize the departmental proceedings against the applicant expeditiously and in any event within a maximum period of three months from the date of receipt of a copy of this order.

5. The present OA is disposed of in the aforestated terms at the admission stage itself.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/