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Central Administrative Tribunal
Principal Bench

O.A. No.1111 of 2001

New Delhi, dated this the 19th April, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

Naresh Kumar Saini,
S/o Shri Munshi Ram,
E.D.Branch Postmaster (Under Put Off Duty)
Ram Pura EDBO,
Delhi-35 ...Applicant.
(By Advocate: Shri Sant Lal)

Versus

1. Union of India
through
the Secretary,
Ministry of Communications,
Deptt. of Posts,
Dak Bhawan,
New Delhi-1
2. The Director Postal Service (P),
Delhi Circle,
New Delhi-1 (Meghdoot Bhawan)
3. The Sr. Supdt. of Post Offices,
Delhi North Division,
Civil Lines,
Delhi-54. ...Respondents.
(By Advocate: Shri A.K.Bhardwaj)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 15.5.98 (Annexure A-1) putting him off from duty i.e. placing him under suspension on the ground that disciplinary proceedings are pending against him. Applicant seeks consequential benefits.

2. Heard.

3. The main argument advanced by applicant's counsel Shri Sant Lal is that till date no charge sheet has been served on applicant, and hence to

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state that disciplinary proceedings were pending against applicant on 15.5.98 to justify putting him of duty was illegal and arbitrary. 14

4. It is not denied that pursuant to the interim orders passed on 17.5.2001, subsistence allowance has been paid to applicant.

5. While the use of the word "pending" in impugned order dated 15.5.98 was not a happy one, and should have been substituted by the word 'contemplated', merely for that reason it would not be appropriate to interfere with the impugned order dated 15.5.98 more so when applicant is accused of mis-appropriating Rs.29,620/- and FIR No.90/2001 under sec.409 IPC has been instituted and the chargesheet is also stated to be under preparation and will be filed shortly.

6. Instead we dispose of this OA with a direction to respondents to review the continuance of applicant being put of duty by means of a detailed, speaking and reasoned order in accordance with rules and instructions under intimation to applicant within 2 months from the date of receipt of a copy of this order.

7. The OA is disposed of as above. No costs.

S. Raju

(Shanker Raju)
Member (J)

/ug/

S.R. Adige

(S.R. Adige)
Vice Chairman (A)