

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2900/2001

New Delhi, this the 3rd day of January, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri Govindan S.Tampi, Member (A)

Shri Surendra Pal Sharma
S/o Shri Khacharu Sharma
Branch Postmaster
Dhindar, Murad Nagar
Distt. Ghaziabad.

...Applicant

(By Advocate Mrs. Rani Chhabra)

V E R S U S

UNION OF INDIA : THROUGH

- 1.. The Secretary
Ministry of Communications
Deptt. of Posts
Dak Tar Bhawan
Parliament Street
New Delhi.
- 2.. The Post Master General
Dehradun Region
Dehradun.
- 3.. The Senior Superintendent of Post Offices
Ghaziabad Division
Ghaziabad.
- 4.. The Assistant Superintendent of Post Offices
Ghaziabad (North)
Ghaziabad.

...Respondents

(By Advocate Shri M.M.Sudan)

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, VC (J)

In this application, the applicant is aggrieved by the Memo dated 8-10-2001 issued by respondent No.4. This memo has been passed by the respondents in exercise of the powers conferred under Rule 12 of the Village Public Servant (Conduct and Service) Rules, 2001, putting the applicant off duty.

2. The brief relevant facts of the case are,

according to the learned counsel for the applicant, that the applicant had been earlier put off duty vide order dated 15-1-2001, which was subsequently revoked on 10-5-2001. She has submitted that thereafter, the applicant has been working quite satisfactorily as an Extra Departmental Branch Postmaster (EDBPM) in the Branch Post Office, Dhindar, Uttar Pradesh, when suddenly the impugned order dated 8-10-2001 has been issued again putting him off duty. Learned counsel has submitted that when the respondents have revoked the earlier put off duty order dated 15-1-2001, they had already conducted a preliminary enquiry and, therefore, there was no need to place the applicant again on put off duty by the impugned order dated 8-10-2001.

3. On the other hand, Shri M.M.Sudan, learned counsel has submitted that the enquiry against the applicant, based on the complaint received from one Smt. Munni Devi and Shri Pritam Singh Sharma in the office of SSPO, Ghaziabad Division on 8-11-2000, is still under investigation. The respondents have submitted that a preliminary enquiry on the complaint was completed and the applicant was reinstated on 10-5-2001 pending issue of the chargesheet. They have further submitted that in the meantime, further enquiry was conducted by the Assistant Director, a Gazetted Officer in the office of PMG, Bareilly, and during the course of this enquiry, it was felt that the retention of the applicant in the post of EDBPM, Dhindar, was fraught with risk as he could tamper with the official records. We note that the complaint against the applicant by Smt. Munni Devi and Shri Pritam Singh Sharma in their letter dated 8-11-2000 is

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that while they have deposited an amount of Rs.50,000/- (Rupees Fifty thousand) on 12-8-2000 in T.D.Account, the applicant had not given them a receipt for this amount and instead later in the pass book, a deposit of only Rs.10,000/- (Rupees ten thousand) has been shown. In the circumstances, Shri M.M.Sudan, learned counsel has submitted that it was necessary to place the applicant again on put off duty by order dated 8-10-2001. According to him, the matter is under active consideration of the competent authority whether to proceed against the applicant in a disciplinary proceeding which decision, if not already taken, would be taken shortly. He has also submitted that the impugned order in question, is in the nature of an order of suspension under the provisions of the CCS (CCA) Rules, 1965. In the circumstances, He has submitted that there will be no question of quashing the impugned order at this stage though he submits that the respondents may have no objection to review the position regarding the continuation of the putting off duty of the applicant.

4. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

5. In the light of the facts and submissions made by the learned counsel for the parties, we note that the respondents are enquiring into the complaint lodged by Smt. Munni Devi and Shri Pritam Singh Sharma regarding their deposit in the Post Office, where the applicant was working at the relevant time. Taking into account the nature of the allegations against the applicant, it cannot be stated that the contention of the learned counsel for the respondents

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that retention of the applicant on the post of EDBPM, Dhindar, during the enquiry is fraught with the risk of his tampering with the official records, is unfounded. The impugned order dated 8-10-2001 putting him off duty is in the nature of a suspension order. However, in the circumstances of the case, we also see force in the submissions made by Mrs. Rani Chhabra, learned counsel for the applicant that as the respondents have already held the preliminary enquiry, when the applicant has been put off duty for about four months from 15-1-2001 till 10-5-2001, they already had sufficient time to take a decision one way or the other regarding instituting Departmental proceedings or not against the applicant. Nothing has been placed on record to show that the respondents have reviewed the put off duty order dated 8-10-2001 in the light of the present position of the enquiry being undertaken by them against the applicant. In this view of the matter, we consider it appropriate to dispose of this OA with the following directions :-

The respondents to review the case of the applicant with regard to their order dated 8-10-2001, placing the applicant on "put off duty", within a period of one month from the date of receipt of a copy of this order. They shall pass a reasoned and speaking order on the same with intimation to the applicant. No order as to costs.

(GOVINDAN S. TAMPI)
ADMINISTRATIVE MEMBER

(SMT. LAKSHMI SWAMINATHAN)
VICE-CHAIRMAN (JUDICIAL)

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