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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

O.A.No.1259/95

New Delhi the 7th day of October, 1999.

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE SHRI S.P.BISWAS, MEMBER(A)

Shri Suresh Chander Sharma son of Shri Mangal Ram
Extra Departmental Branch Post Master, Khaleta,
R/o Village Khaleta, Tehsil Rewari, Distt. Mahindergarh.

..Applicant

(By Advocate Mr.Sant Lal)

vs.

1. The Union of India, through the Secretary,
Ministry of Communication,
Department of Posts,
Dak Bhavan, New Delhi-110001.

2. The Director Postal Services,
O/O the Chief Postmaster General,
Haryana Circle, Ambala Cantt-133001.

3. The Senior Superintendent of Post Offices,
Gurgaon Division, Gurgaon-122001.

..Respondents

(By Advocate Shri K.R.Sachdeva)

O R D E R (ORAL)

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant an Extra Departmental Branch Post Master was put off duty under Rule 9 of E.D.Aagents (Conduct & Service) Rules,1964 w.e.f. 17.1.89. Even prior to the date on which the applicant was put off duty, an enquiry under Rule 8 of the ED Agents (Conduct & Service)Rules,1964 vide memo dated 14.10.1988 was initiated against the applicant. The enquiry ended in the order of dismissal from service passed by the disciplinary authority on 7.8.89. The applicant filed an appeal. As the appeal was not disposed

of, he approached this Tribunal in O.A.No.1373/90 which was disposed of with a direction to the appellate authority to dispose of the appeal. In obedience to the direction, the appellate authority allowed the appeal and directed the reinstatement of the applicant by order dated 19.1.1994(Annexure A1). The applicant was consequently reinstated in service with effect from 8.4.1994. But the present grievance of the applicant is that the period during which the applicant was put off duty, i.e, between 17.1.89 to 7.4.94 has not been treated as duty and the applicant has not been paid the pay and allowances for the period. The applicant has made a representation to the Sub Divisional Inspector on 3.5.94 and another to the CPMG on 23.3.95 claiming that the period may be treated as duty for all purposes. The copy of the representation made to the Chief Postmaster General is at Annexure A5. The representation has not been disposed of so far. Under these circumstances, the applicant has filed this application seeking the following reliefs:-

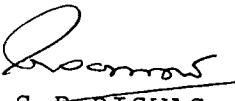
1. To direct the respondents to treat the entire period from 17.1.1989 to 7.4.94 during which the applicant was kept out of employment as spent on duty for all purposes with continuity of service with full pay and allowances as he would have drawn had the orders of put off duty and removal from service not been passed.
2. To direct the respondents for payment of interest on the arrears of emoluments from the date after expiry of one month from the date of acceptance of appeal upto the date of actual payment.

3. To award the costs of this application.

4. To grant such other or further relief as the Hon'ble Tribunal deem fit in the facts and circumstances of this case in the interest of justice."

2. The respondents in their reply statement have indicated that the representation of the applicant was not disposed of, because the matter relating to the validity of Rule 9(3) of the EDA(Conduct & Service)Rules was pending before the Hon'ble Supreme Court, that on the decision of the Hon'ble Supreme Court, the rule has been amended and instructions have been given to the authorities in regard to treatment of the period of put off duty. Learned counsel states that the application may be disposed of directing the second respondent to dispose of the representation (Annexure A5) in the light of the decision of the Apex Court, as also in accordance with the guide lines given by the Director General of Posts regarding treatment of the period of put off duty, within a reasonable time.

3. In the light of what is stated at the Bar, we direct the 2nd respondent to consider Annexures A4 and A5 representations of the applicant in the light of the rules, rulings of the Hon'ble Supreme Court and instructions on the subject and to give the applicant an appropriate reply within a period of two months from the date of receipt of a copy of this order. No costs.


S.P.BISWAS
MEMBER(A)


A.V.HARIDASAN
VICE CHAIRMAN