

-10-

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2284/2000

Hon'ble Shri V.K.Majotra, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

New Delhi, this the 6th day of July, 2001

Layak Ram
s/o Shri Bundi Singh
r/o Village & P O
Kalyanpur
District
Ghaziabad (UP). ... Applicant

(By Advocate: Shri S.K.Gupta, proxy of Shri B.S.Gupta)

Vs.

1. Union of India
through Secretary
Deptt. of Posts
Dak Tar Bhawan
New Delhi.
2. Post Master General
Dehradun Region
Dehradun.
3. Sr. Supdt. of Post Offices
Ghaziabad Division
Ghaziabad (UP). ... Respondents

(By Advocate: Shri N.S.Mehta)

O R D E R (Oral)

By Mr. Shanker Raju, Member (J):

The applicant, who is working as Extra Departmental Branch Postal Assistant (in short 'EDBPA') has assailed an order dated 24.5.2000 whereby the order dismissing him has been set aside and the appellate authority has ordered departmental proceedings on the ground that the applicant has been deprived of reasonable opportunity during the conduct of the enquiry. The applicant has also assailed action of the respondents by not paying him put off duty allowances. It is also the grievance of the applicant that, after the orders passed by the appellate authority, the enquiry has been stayed by the Court vide order dated 13.11.2000 but the

respondents have proceeded with the enquiry and the applicant on account of non payment of put off duty allowances could not participate in the enquiry and as a result of the proceedings held ex-parte against him depriving an opportunity to participate in the enquiry to produce his defence.

2. The learned counsel for the respondents in his reply by drawing our attention to Annexure-R5 has stated that vide order dated 16.11.2000 the applicant has been ordered to be deemed to continue under put off duty w.e.f 23.9.1999, when he was dismissed from service and has already been paid put off duty allowances as admissible to him for the said period.

3. We have carefully considered the rival contentions of both the parties. The learned counsel for the applicant has not pressed his reliefs of challenge to de-novo enquiry and rather made a request that as the enquiry has been proceeded without putting him in his pay by duty allowances from 24.5.2000 to 16.11.2000 the enquiry should be ordered to be initiated afresh after the stage of charge with an opportunity to the applicant to defend the same and it should be concluded expeditiously not beyond the period of six months as prescribed under the CCS (CCA) Rules which are applicable to the applicant. The learned counsel for the respondents has fairly stated that he has no objection if the request of the applicant for initiating the enquiry after the stage of charge is acceded to but he opposed to limiting the period of enquiry for its conclusion.

4. We have carefully considered all the aspects of the case and decide to dispose of this OA with a direction to the respondents to take up departmental enquiry against the applicant after the stage of issuance of charge sheet and to conclude the same within a period of six months as prescribed under the CCS (CCA) Rules, after according a reasonable opportunity to the applicant to defend. It is also made clear that the applicant shall also co-operate with the respondents in the enquiry. No costs.

S. Raju

(SHANKER RAJU)
MEMBER(J)

/RAO/

V.K. Majotra

(V.K. MAJOTRA)
MEMBER(A)