

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/05/0306/2020

Date of Order :25.01.2021

C O R A M

HON'BLE MR. M.C.VERMA, JUDICIAL MEMBER
HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER



Bablu Kumar, S/o Sri Rajendra Jha, GDSMC at Anuua B.O. in account with Narkatiaganj S.O. in West Champaran Postal Division, Bettiah.

..... Applicant.

- By Advocate : Shri J.K.Karn.

-Versus-

1. The Union of India through Secretary cum D.G., Department of Posts, Dak Bhawan, New Delhi-110001.
2. The Chief Postmaster General, Bihar Circle, Patna-800001.
3. The Post Master General, Northern Region, Muzaffarpur-842002.
4. The Director of Postal Services, Northern Region, Muzaffarpur-842002.
5. The Superintendent of Post Offices, West Champaran Division, Bettiah-845438.
6. The Inspector of Posts, Narkatia Sub Division, West Champaran, Bettiah-845455.

..... Respondents.

By Advocate :- Shri Bindhyachal Rai.

O R D E R [ORAL]

Per M.C.Verma, Member (Judl.):- Applicant being aggrieved vide order No. Putoff/MC/AnjuabO/NKG/2019 dated 04.07.2019 whereby he has been put under put off duty and has been granted ex gratia amount equal to 25% of his TRCA has preferred the instant OA.

Case of the applicant has been set out in the OA precisely that he is a employee of Department of Posts employed on the post of GDSMC at Anjua Branch Post Office. While he was discharging duty, he was placed under put off duty. That on false allegation, the applicant has been ordered to be in contemplated disciplinary proceedings. The Disciplinary Proceedings has been initiated against the applicant vide memo dated 23.09.2019. That inquiry is still going on and the applicant participating in the inquiry. That respondents are neither concluding the inquiry and is continuously keeping the applicant under put off duty and that he has been paid 25% subsistence allowance which is not sufficient to leave with dignity. That subsistence allowance has also to be enhanced time to time but the respondents has not taken any decision hence this OA. Gross of the charge memo is that the applicant was submitted forged marksheets issued by Bihar School Sanskrit Siksha Board at the time of appointment.

2. In their written statement, respondents have not disputed the factum that applicant is under put off duty from 04.07.2019 and that departmental inquiry is going on and that applicant is participating in the departmental inquiry. The respondents have pleaded that applicant was appointed to the post of GDS on 21.04.2011 and that during the course of re-verification in light of instruction of higher authorities of the department, the



matter about submission of bogus certificate arose and the then Inspector Posts, Narkatiaganj Sub Division took up the matter with Bihar Sanskrit Siksha Board, Patna. That controller of examination, Bihar Sanskrit Siksha Board reported through letter no. 588 dated 06.08.2018 that as per record, the marksheets of Bablu Kumar sent for verification was not issued from Bihar Sanskrit Siksha Board, therefore, the Inspector was put him under put off duty. A review was carried out on his put off duty order in due course on 16.08.2019 by a committee of three members including Inspector Post Narkatiaganj and headed by Superintendent of Posts, West Champaran Division, Bettiah and the applicant was informed that since the offence committed by him is of serious nature that removal would be probable ultimate punishment hence, it is appropriate to allow the continuation of put off duty for further period of 180 days. That thereafter applicant had filed OA 801/2019 in Cat Bench, Patna which was disposed of by this Tribunal with a direction to intimate the final decision to the applicant on the put off duty order to be taken by the competent authority within thirty days. That the charge sheet against the applicant was issued under GDS (Conduct and Engagement) Rules, 2011 and the extension of put off duty was again intimated to the applicant on 10.02.2020. It has been stated that the OA is devoid of merit and deserves dismissal.



3. The matter is at final stage hearing having heard.

Learned counsel Shri J.K.Karn who is appearing for the applicant submits that in instant case, the applicant has challenged the order of put off duty only. That for the last 18 months applicant is under put off duty. He is being paid 25% subsistence allowance which is not sufficiently full to for life of applicant and his family. That respondents is required to review the amount of subsistence allowance under Rule 12 but deliberately when was not done and the applicant has been put under miserable condition, he also submits that respondents are ahead with the departmental proceedings with snail speed. That almost 15 months have passed but inquiry has not yet been concluded. He also referred Rule 12 of GDS (Conduct & Engagement) Rules 2011 which pertains to put off duty and particularly invited our attention to the instruction issued by DGP&T vide letter dated 26.07.1970 quoted at page 92 which reads as under :-



"4. Cases of put-off duty ordered by an authority lower than the Appointing Authority must be brought to the notice of the Appointing Authority who should confirm or rescind the order within a period of 15 days of its receipt failing which, the orders putting off duty the EDA should be deemed to have been revoked ipso facto. The Directors/Regional PMsG/Chief PMsG should personally review cases of put-off duty of all EDAs during inspection and issue proper orders in each case. In case where the authority to confirm/rescind the order is the DPS, a review should be carried out every month by the Regional PMG/Chief PMG. Cases of put -off duty pending for 45 days or more should be brought to the

personal notice of CPMG/PMG who should issue proper directions in this regard.

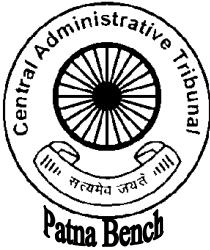
5. Instructions on the subject should be strictly followed to dispose of all the disciplinary cases.

[D.G.Posts, Lr. No. 294/90-(E) 1 Trg. Dated the 26th July, 1990.]

4. He concluded that order of put off duty be quashed and assure that applicant would not do anything which hamper the departmental proceeding.

5. Counsel for respondents vehemently opposed the request of quashing of put off duty order and urged that the departmental inquiry is at the verge of finality. He submits that the applicant at the time of appointment used false marksheet and, therefore, he can be removed from service hence, it would not be appropriate to direct the quashing of put off duty and that he assure that the inquiry would be concluded within three months.

6. Having taken note of submissions at Bar, the pleadings and entirety of the matter we think that the allegation levelled against the applicant are of serious in nature. That if truthfulness is found in the allegation that may be possibility of removal from service of the applicant. A person who is facing departmental inquiry for such a grave allegation, in ordinary circumstances has remained under suspension/put off duty but in this particular case, already more than 15 months have been passed after initiation of departmental inquiry the sole issue which has to be determined in



the inquiry that whether mark sheet produced by the applicant for appointment is having forged and that can be done easily taking that matter with the university or Board by whom purportedly same was issued but why such long time taken by the respondents is not conceivable parse. Respondents are taking a plea of Covid-19 but Covid period was from March/April 2020 only. Now taking note of entirety, we think it proper in the interest of justice to disposed of this OAf with direction to the respondents to conclude the inquiry expeditiously as soon as possible and to take final decision about the allegation and consequence of fact thereon, the applicant shall render and participate in the inquiry would not do anything which hamper the inquiry. We do not want to quash the order of put off duty at this juncture and having hope that inquiry would be concluded shortly. We direct that in case the inquiry is not concluded within two months, the order of put off duty shall be deemed to be quashed after expiry of two months granted from today. It is reiterated that at present we have not quashed the order of put off duty, the quashing is subject to finalization of inquiry and in case inquiry remained pending and not final decision taken within two months, this order of put off duty automatically treated as quashed from said date. We direct that authority may not be extend the put off duty after two months.



[Sunil Kumar Sinha]
Member (A)

[M.C. Verma]
Member (J)

Pkl/



