

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALIAHABAD BENCH  
ALIAHABAD.

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Allahabad this the 2 of December 1996.

Original application No. 1234 of 1996.

Hon'ble Mr. T.L. Verma, JM  
Hon'ble Mr. D.S. Baweja, AM

Talib Ali alias Banney Khan,  
S/o Sri Chhamman Khan, R/o  
village & P.O. Baraha (P.S. Nakasa),  
Tahsil Sembhal, Distt. Moradabad.

..... Applicant.

C/A Sri M.A. Hasan

Versus

1. The Union of India through Senior Superintendent of Post Offices, Moradabad Division, Moradabad.
2. The Sub Divisional Inspector (Postal), Sub Division, Chandausi, Distt. Moradabad.
3. The Branch Post Master, Barahi (Sirsi), Distt. Moradabad.

..... Respondents.

O R D E R (ORAL)

Hon'ble Mr. T.L. Verma, JM

Heard Sh. M.A. Hasan. In this application the applicant seeks quashing of order dated 20.7.96 whereby the applicant has been put off duty.

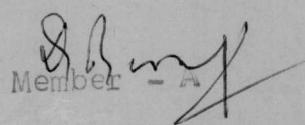
2. The applicant was initially appointed in 1961 as Extra Departmental Mail peon in Post Office Barahi. By impugned order dated 20.7.96, he has been put off duty because <sup>a</sup> disciplinary proceeding is pending against him. This order has been passed by Sub Divisional Inspector <sup>under</sup> Post Offices <sup>under</sup> Rule 9 of the Extra Departmental E.D.D.A. Conduct and Service Rules 1964. Order putting off the

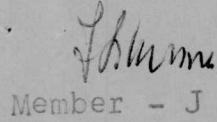
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applicant duty being interlocutory in nature should not generally be interfered by Courts/Tribunals unless it is shown that the same is actuated by malice or is against rules. We have heard learned counsel for the applicant and also perused the pleadings and we find that no case for our interference, with the order of put off duty has been made out. We, therefore, find no merit in this application and dismiss the same in limine.

3. The learned counsel submits that disciplinary proceedings have not yet been initiated and if the respondents are given long rope they may keep the same pending for indefinite period. In case the disciplinary proceeding is not completed within four months from the date of communication of this order, it will be open for the applicant to approach this Tribunal again for appropriate relief.

  
Member - A

  
Member - J

Arvind.