

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD

(7)

DATED: ALLD. on this 27th Day of August, 1997.

CORAM : Hon'ble Mr S Das Gupta, A.M.  
Hon'ble Mr D C Verma, J.M.

ORIGINAL APPLICATION NO. 292 of 1996.

Ghanshyam Yadav Son of Shri  
Murlidhar Yadav Resident of  
at present posted as EDBDM Cadaur  
Suriyawan, Varanasi,  
now District Bhadohi

.... Applicant

C/A Shri R K Usha

Vs.

1. The Union of India through  
Ministry of Telecom, New Delhi.
2. The Director, Post Offices,  
Allahabad Region, Allahabad.
3. The Superintendent of Post Offices (West)  
Varanasi Region, Varanasi.

..... Respondents

C/R Shri A S. thalekar.

ORDER (ORAL)

(By Hon'ble Shri S Das Gupta, A.M.)

The applicant in this O.A. is aggrieved by  
an order dated 29/31-1-96 by which he has been put off  
duty. He has sought quashing of this order and not to  
interfere with his working as EDBDM at Cadaur, Dist.  
Bhadohi.

2. The applicant was earlier put off duty by an  
order dated 28.05.93. He was chargesheeted and  
departmental proceeding was initiated against him and  
finally penalty of removal from service was imposed  
on the applicant. On an appeal the said penalty was



moderated to that of debarring the applicant from appearing in departmental examination for three years. The applicant was reinstated in service. It appears that during the pendency of departmental proceedings certain other complaints were received against the applicant regarding irregularity in delivery of insured letters. On enquiry the applicant was found to be involved in the said irregularity. Thereupon, he was again put off duty by the impugned order dated 29.01.96. This is the order which is under challenge.

3. We have carefully considered the submission made by both the parties and perused the pleadings on record. The provision regarding put off duty of EDA is contained in rule 9 of service Rules for Extra Departmental staff. The relevant portion of the rules is reproduced below:-

" Pending an enquiry into any complaint or allegation of misconduct against an employee, the appointing authority or an authority to which the appointing authority is subordinate may put him off duty:

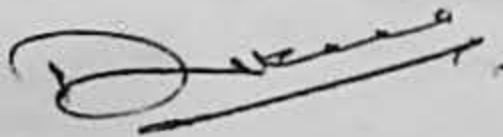
Provided that in cases involving fraud or embezzlement an employee holding any of the posts specified in the Schedule to these rules may be put off duty by the Inspector of Post Offices, under immediate intimation to the appointing authority. "

4. It will be seen from the rule quoted above that any ED agent can be put off duty pending any complaint or allegation of misconduct and in case such misconduct is regarding fraud or embezzlement, the order may be passed by Inspector of Post Offices putting ED agent off duty. It is clear from the averments in the pleadings that the complaints against applicant related to embezzlement and therefore Inspector of Post Offices was fully competent to pass order putting him off duty. We, therefore, do not find any irregularity in the order which was passed by the respondents.

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5. In view of the foregoing, the O.A. is dismissed. We have, however, been informed by the learned counsel for the applicant that the applicant was served with charge memo in the year 1995 and the disciplinary proceedings have not yet been brought to conclusion. We, therefore, direct that the enquiry against the applicant be completed within a period of 6 months from the date of issue of this order provided the applicant cooperates with the enquiry.



J.M.



A.M.

snt/-