

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 3rd day of September, 2001.

Coram: Hon'ble Mr. Rafiq Uddin, J.M.

Hon'ble Maj. Gen. K.K. Srivastava, A.M.

ORIGINAL APPLICATION NO. 525 OF 1996

Jai Prakash Mishra,
 s/o Sri Kanhaiya Lal Mishra,
 aged about 36 years,
 R/o 133 'B'/502 D, Jahangirabad,
 Kanpur working as Temporary Group 'D'
 Employee at Kidwai Nagar, Post Office,
 Kanpur.

. Applicant

(By Advocate: Sri Vijai Bahadur)

Versus

1. Union of India, New Delhi through Secretary/
 Government of India, Department of Posts,
 Ministry of Communication, New Delhi.
2. Post Master General,
 Kanpur Region, Kanpur.
3. Senior Superintendent of Post Offices,
 Kanpur City, Kanpur.

. Respondents

(By Advocate: Km. Sadhna Srivastava)

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O_R_D_E_R (ORAL)

(By Hon'ble Mr. Rafiq Uddin, JM)

The applicant Jai Prakash Mishra has approached this Tribunal for setting aside the order dated 18.12.95 (Annexure No. A-1 to the OA) and for issuing directions to the respondents to pay him the entire salary for the period 16.12.95 till date. The applicant has also sought directions to the respondents to permit him to work in the department and treat him to have always been working ignoring the impugned order dated 18.12.95.

2. The facts, which have not been disputed, are that the applicant was initially engaged as contingency paid Chowkidar at Kidwai Nagar, Kanpur Post Office on 15.12.86. The applicant was confirmed temporary status, vide order dated 30.5.91. According to the respondents, however, the applicant wilfully and without any notice or application absented himself from duty as Chowkidar at the Kidwai Nagar Post Office, Kanpur, on 16.12.95. Since the applicant did not turn up on duty on the said date, the Post Office remained unguarded during the night and resulted in the theft of cash and vulnerable records by the miscreants. It is alleged that a sum of Rs.44,748=92 was stolen from the said Post Office. Consequently, the applicant was ordered to be kept off by the disciplinary authority.

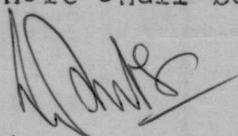
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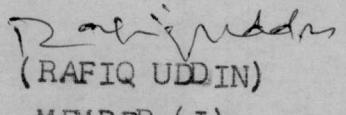
3.

3. During the course of arguments, the learned counsel for the applicant has submitted that the respondents have not initiated any disciplinary enquiry or issued any show-cause notice to the applicant. Besides, applicant submitted various applications on different dates to the Post Master General, Kanpur Region, Kanpur, which are still pending for consideration for orders. The learned counsel for the applicant has, therefore, submitted that the directions may be issued to the respondents to consider and to pass suitable orders on his representation. Accordingly, the O.A. is disposed with the directions to the Post Master General, Kanpur Region, Kanpur, Respondent No.2 to consider and to pass orders on the representation dated 2.2.96 (Annexure No. A-5 to the OA), submitted by the applicant within a period of two months from the date of communication of this order. However, it is open to the applicant to approach this Tribunal after any order is passed on his representation.

There shall be no order as to costs.



(K.K. SRIVASTAVA)
MEMBER (A)



(RAFIQ UDDIN)
MEMBER (J)

Nath/