

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Original Application No. 104 of 2001
this the 5th day of February 2002.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)
HON'BLE MR. C.S. CHADHA, MEMBER (A)

Abhishek Sharma, S/o late Ram Krishan Sharma, aged about 24 years, residing temporarily at 199/1 Babupurwa Colony, post Didwainagar, Kanpur.

Applicant.

By Advocate : Sri O.P. Gupta.

Versus.

1. Sub-Divisional Inspector (Postal), South sub-Division, Kanpur City.
2. Senior Supdt. of Post Offices, Kanpur City, Kanpur.
3. Union of India through Secretary Ministry of Communication, Government of India, New Delhi.

Respondents.

By Advocate : Sri A.P. Singh for Sri R. Choudhary.

O R D E R (ORAL)

RAFIQ UDDIN, MEMBER (J)

This O.A. has been filed by the applicant for quashing the impugned put off order dated 16.1.2001 passed by the Sub-Divisional Inspector (Postal) (S.D.I. (P) in short), South Sub-Division, Kanpur City (respondent no.1) and has sought directions to the respondents to allow him duty and the intervening period be treated as on continuous duty after giving the full salary and other allowances to the applicant.

2. It appears from the record that the applicant while working as E.D. Packer, Kidwai Nagar, Kanpur, he was put off duty vide impugned order dated 16.1.2001 by the respondent no.1 on the ground that the applicant was facing a criminal trial before the Criminal Court. The applicant has challenged the legality of the impugned order, inter alia on the ground

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that the same is arbitrary and the appeal submitted by the applicant has also not been decided by the respondents.

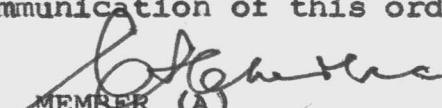
3. we have heard the learned counsel for the parties and have perused the pleadings on record.

4. It has been brought to our notice by the learned counsel for the parties that the applicant has since been acquitted by the Criminal Court vide judgment and order dated 28.7.2001 a copy of which has been annexed as Annexure-1 to the R.A. This fact has not been denied by the learned counsel for the respondents. The learned counsel for the parties state at the bar that the applicant had since been ordered to be taken back in service with immediate effect vide order dated 7.8.2001. Thus, the relief sought by the applicant for quashing of the impugned order dated 16.1.2001 has become infructuous.

5. It is further urged by the learned counsel for the applicant that the respondents have not ^{R.} ~~been~~ passed any order regarding regularisation the services of the applicant for the period he remained put off duty i.e. 16.1.2001 to 6.8.2001. It is also noticed that this Tribunal vide order dated 13.2.2001 had also passed an interim order to the effect that the impugned order dated 16.1.2001 shall remain suspended. The said interim order was extended from time to time till the applicant was reinstated. This fact has not been disputed by the learned counsel for the respondents.

6. we, therefore, finally dispose of this O.A. with the direction to the respondent no.1 to pass an order regarding regularisation the services of the applicant and for payment of salary and other allowances for the ^{period} ~~1/~~ he remained put off duty as per rules within a period of three months from the date of communication of this order. NO costs.

GIRISH/-


MEMBER (A)


Rajiv Reddy
MEMBER (J)