

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 17th day of March, 2004.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.
HON. MR. S. C. CHAUBE, A.M.

O.A. No. 140 of 2004

Jagpal Singh S/O Sri Paltoo Ram R/O Village Dandpura, P.O.

Bobail Buzurg, District Saharanpur.....Applicant.

Counsel for applicant : Sri R.K. Asthana.

Versus

1. Union of India through Secretary, Ministry of Tele-
Communication, New Delhi.
2. Senior Superintendent of Post Offices, Saharanpur Division
Saharanpur.....Respondents.

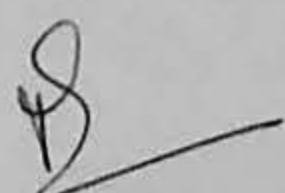
Counsel for respondents : Sri R.C. Joshi.

Q R D E R (ORAL)

BY HON. MRS. MEERA CHHIBBER, J.M.

Grievance of the applicant in this case is that he was appointed as E.D.D.A. Behat S.O. with immediate effect vide order dated 6.10.1999 (Page 10) and had been performing his duties to the entire satisfaction of the superiors yet without giving him any show cause notice he has been put off duty. He has annexed the copy of the said order as Annexure 1 (Page 7). Being aggrieved applicant gave a representation on 27.11.2003 requesting the authorities to inform him atleast the reasons for putting him off duty followed by reminder dated 15.12.2003 and 8.1.2004 but till date neither any reply has been given to him nor his put off duty has been ^{be} revoked nor he has been allowed to take_{back} on duty.

Therefore, he has no other option but to approach the court for protection. Counsel for respondents was seeking time to file reply whereas counsel for applicant prayed that if time ^{be} given to the respondents at least the order should be stayed so that applicant may perform his duties as there is nothing else pending against him.



2. It is seen that applicant was given only a provisional appointment as EDDA on a contract basis. However, his conduct was to be governed by the Post and Telegraph Extra Departmental Agents (Conduct and Service) Rules, 1964. It is correct that respondents do have power to put off a person from duty as stipulated under Rule 12 of GDS (Conduct and Employment) Rules, 2001 but definitely the applicant has a right to know as to why he has been put off duty. It is seen that applicant has been requesting the authorities to at least give the reasons as to why he has been put off duty but till date no reply has been given to the applicant nor any charge-sheet has been served on the applicant.

3. In these circumstances, if time is given to the respondents to file reply, it would only delay the matter unnecessarily, therefore, in order to cut short the time factor and to ensure speedy remedy to the applicant, we are of the opinion that this case can be disposed of at the admission stage itself by giving direction to Respondent No.2 to decide the representation of applicant within four weeks from the date of receipt of a copy of this order and to inform the applicant as to why he has been put off duty. This we are saying in view of proviso to sub-rule 3 of Rule 12 which for ready reference reads as under :-

"Provided that where the period of put-off duty exceeds 90 days, the Appointing Authority or the authority to which the Appointing Authority or any other authority empowered in this behalf, as the case may be, who made the order of put-off duty shall be competent to vary the amount of compensation for any period subsequent to the period of first 90 days as follows :

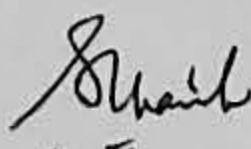
- (i) The amount of compensation as ex gratia payment may be increased by a suitable amount, not exceeding 50% of such compensation admissible during the period of put off duty has been prolonged, for reasons to be recorded in writing, not directly attributable to the Sevak.

(ii) The amount of compensation as ex-gratia payment may be reduced by a suitable amount not exceeding 50% of such compensation admissible during the first 90 days, if in the opinion of the said authority, the period of put-off duty has been prolonged due to reasons to be recorded in writing directly attributable to the Sevak."

4. The applicant has stated that he has not been paid any compensation so far even though he was put off duty on 25.11.2003. Even otherwise it is settled by now that steps should be initiated to issue the charge-sheet within a reasonable time in case the individual has committed some misconduct or else he has to be paid the compensation without taking any interest from him. Therefore, keeping in view the above facts Respondent No.2 is directed to pass the necessary orders in accordance with rules within four weeks from the date of receipt of a copy of this order under intimation to the applicant.

With the above direction, this O.A. is disposed off at the admission stage itself.

No order as to costs.



A.M.



J.M.

Asthana/