

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 9th day of August, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. D. R. TIWARI, A.M.

O.A. No. 823 of 2004

Vijay Bahadur Lal Srivastava, aged about 45 years S/O Bahraichi Lal, Resident of Village and Post Pikora, District Basti.

.....Applicant.

Counsel for applicant : Sri Indrabhan Singh.

Versus

1. Union of India through Secretary, Ministry of Communication, New Delhi.

2. Post Master, Basti, Pikora Gaur Bazar, Basti.

3. Superintendent of Post Offices, Basti Division, Basti.

.....Respondents.

Counsel for respondents : Sri S. Singh.

ORDER (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri Indrabhan Singh, learned counsel for the applicant, Sri S.K. Pandey holding brief of Sri S. Singh, Senior Standing Counsel for respondents and perused the impugned order dated 8.7.2004 whereby the applicant has been put off duty in exercise of power under Rule 12 of Department of Post, Gramin Dak Sevak (Conduct & Employment) Rules, 2001. It is provided in the order that the applicant would be paid compensation @ 25% for the period he would remain put off duty.

2. It is submitted by the counsel appearing for the applicant that the order impugned herein has been passed in violation of principles of natural justice and that no opportunity was given to the applicant before passing the order impugned herein. We are of the view that prior opportunity is not required in case of an order of 'put off duty' under Rule 12 of the said rules. However, the applicant

459

had an alternative remedy under Rule 13 of the Rules which provides that a Sevak may appeal against an order putting him off duty to the authority to which the authority passing the order regarding putting him off duty is immediately subordinate. We have reasons to believe that in case the applicant files an appeal, the Appellate Authority shall consider and decide the appeal. Under Section 20 of the A.T. Act, 1985, it is clearly provided that a Tribunal shall not "ordinarily" admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of his grievances. It is, however, provided that if an appeal is filed by the applicant, the same shall be considered and decided expeditiously within a period of three months from the date of receipt of a copy of this order.

3. In the circumstances the O.A. is dismissed without prejudice to the right of the applicant to file appeal under Rule 13 of the Rules.

No order as to costs.

Asthana
A.M.

Rej
V.C.

Asthana/