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**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
(THROUGH VIDEO CONFERENCING)**

Original Application No. 332/00053/2020

Date of Order: This, the 11<sup>th</sup> Day of February, 2021

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER  
THE HON'BLE MR A MUKHOPADHAYA, ADMINISTRATIVE MEMBER**

Ashok Kumar Pandey,  
Aged about 59 years  
Son of late Bhagwandin Pandey  
GDSBPM (under put off duty)  
At Muduwa, Accounts Office  
Atarsuma Post Office  
District: Sultanpur.

... Applicant



- Versus -

1. Union of India through the Secretary,  
Department of Posts, DakBhawan  
New Delhi.
2. Director General, Department of Posts  
DakBhawan, Sansad Marg, New Delhi.
3. Chief Post Master General  
UP Circle, U.P., Lucknow.
4. Post Master General, Department of Posts  
Allahabad Region, Allahabad.
5. Regional Director, Department of Posts  
Allahabad Region, Allahabad.

6. Superintendent of Post Offices  
Sultanpur Division, Sultanpur.

.....Respondents.

For the Applicant: Sri Surendran P & Sri  
Dharmendra Awasthi

For the Respondents: Sri Shyam Lal Mishra

**ORDER (ORAL)**

**MANJULA DAS, MEMBER (J):**



This matter has been taken up for consideration  
through video conferencing.

2. In this OA filed under Section 19 of the  
Administrative Tribunals Act, 1985, the applicant is seeking  
following relief(s):-

"(i) to quash the order dated 17-9-2019 as  
contained in Annexure No.1 to this OA.

- (ii) to issue a direction to the Respondents to reinstate the applicant with all consequential benefits.
- (iii) to issue a direction to the Respondents to pay the applicant full TRCA w.e.f. the date of put off duty till the date of reinstatement.
- (iv) to issue any other order which this Hon'ble Tribunal deems just and proper."



*[Handwritten signature]*

3. The basic grievance raised by the applicant is that he was placed on put off duty vide order dated 17.09.2019 on the allegation of embezzlement and also fraudulent activities by making false deposits and simultaneously actual withdrawal. However, the departmental proceeding has not been finalized within 45 days. The applicant also moved an application on 16.12.2019 before the respondent no.6 requesting to put him back on duty but to no avail.

4. Learned counsel for the applicant, at the outset of his argument, drew our attention to the Director General's instruction no.(3) apropos "**Guidelines for putting-off duty**" under Rule 12 of GDS (Conduct and Engagement) Rules, 2011, and submitted that the departmental proceedings should be finalized within 45 days and if unable to do so, the matter should be reported to the higher authority explaining the valid reasons for not being able to do so. According to the learned counsel, in the instant case, the respondent authorities have been largely sitting idle for the last more than one year and four months in this matter. Even the charge sheet was issued as late as in May, 2020. Learned counsel, therefore, contended that this delay/inaction of the respondents is in clear violation of their own guidelines.



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5. On the other hand, learned counsel for the applicant submitted that the charge against the applicant is serious in nature. The allegation against the

applicant is that he has indulged in fraudulent activities i.e. by making false deposits and simultaneously actual withdrawals in various accounts. In a case related to misappropriation, an FIR against the applicant has been lodged on 05.06.2020. The matter is also being investigated by a multi-member investigation committee of the division. According to the learned counsel, due to the gravity of the case and pending disciplinary case proceedings against the applicant, the applicant's continuance in put off duty condition has been found essential. Learned counsel, however admitted that the departmental proceedings against the applicant could not be finalized within 45 days.



6. Heard Sri Sri Surendran P, learned counsel for the applicant and Sri ShyamLal Mishra, learned counsel for the respondents, perused the pleadings and the materials placed on record. For better elucidation, Director-General's Instruction no.(3) on the subject of 'Guidelines

for putting-off duty' under Rule 12 of the GDS (Conduct and Engagement) Rules, 2011 is reproduced below:-

"3. It is also necessary that the disciplinary authority makes every effort to finalize the disciplinary proceedings and pass final orders so that an EDA does not remain on put-off duty for a period exceeding 45 days and not 120 days as ordered previously. The Divisional Superintendent should draw up a time-table for ensuring finalization of disciplinary cases within this period. If, due to unavoidable reasons, it is not possible to finalize a case within this period, the matter should be reported immediately to the next superior authority giving full justification why the EDA cannot be taken back to duty pending finalization of the case."



In this case, the applicant was placed under put-off duty with immediate effect vide order dated 17.09.2019. As noticed herein above, the departmental proceedings should have been completed within 45 days thereafter. In this case, the charge sheet itself was issued on 13.05.2020, i.e., after 08 (eight) months from the date of order placing the applicant on put-off duty. The proceeding has not

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been completed as yet. Besides, there is no evidence on record to show that the respondent authority has reported the matter to its own higher higher authority explaining with valid reasons as to why the delinquent needs to be continue in put off duty condition in the public interest or even in the interest of the administration or the investigations. In view of this, we do not find any justification for continuing the applicant in put-off duty condition in view of the undisputed and substantial delay in the finalization of the departmental proceedings which are still pending.



7. In the entire conspectus of the case, we are of the considered opinion that the impugned order dated 17.09.2019 placing the applicant under put-off duty is liable to be set aside and quashed in the light of the provisions of Director General's Instruction no.(3) under Rule 12 of GDS(Conduct and Engagement) Rules, 2011 in the interest of fair proceedings and in order to ensure that

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the applicant does not suffer for the undue delay on the part of the respondent authorities. Accordingly, impugned order dated 17.09.2019 is set aside and quashed and the respondents are directed to reinstate the applicant forthwith. However, the respondents are at liberty to post the applicant in his earlier place of posting or elsewhere as per their wisdom.

8. The OA is disposed of in aforesaid terms.

(A. MUKHOPADHAYA)  
MEMBER (A)

(SMT. MANJULA DAS)  
MEMBER (J)

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