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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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T.A. No. 31 of 1987

(W.P. No. 7154 of 1984)

Awadhesh Rai Petitioner.

Versus

Union of India and others Respondents.

...

Hon'ble Mr. K. Obayya, A.M.

Hon'ble Mr. S.N. Prasad, J.M.

(By Hon'ble Mr. K. Obayya, A.M.)

The above described petition has been received in the Tribunal on transfer from High Court of Judicature at Allahabad under Section 29 of the Administrative Tribunals Act, 1985. In this petition, the petitioner has prayed for quashing the order dated 23.2.1984 contained in Annexure-8 of the petition by which he was put off duty.

2. The facts of the case which are not in dispute are that the petitioner Sri Awadhesh Rai was appointed on the post of 'Extra Departmental Branch Post Master' (in short 'EDBPM') Sihori, District Ghazipur after due selection on 26.4.1980 in a regular vacancy. He joined the post on 10.5.1980. It would appear that the petitioner had contested the election for 'Gram Pradhan' and was declared successful; since the petitioner was holding the post of 'EDBPM' as well as 'Gram Pradhan' the department informed the petitioner by letter dt. 8.10.1982 (Annexure-2) to tender resignation from any one of

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posts as holding two posts simultaneously is not permissible under the law. The petitioner represented to the department seeking permission to hold both the posts. He was put off duty on 28.2.1984 as his action was violative of the conduct rules of 'EDBPM'. This impugned order of 'putting off' the duties of the petitioner is under challenge before us.

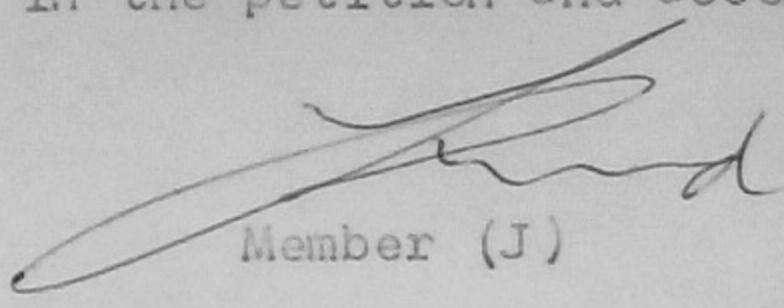
3. We have heard Sri K.C. Sinha, counsel for the respondents. None is present on the applicant's side. We have perused the record. It is admitted by the petitioner that he is holding the post of 'Gram Pradhan' besides being 'EDBPM'. Despite repeated instructions, that he should opt for either of the posts, the petitioner continued to persist with his stand and continued in two posts.

4. Rule-18 of the Service Rules for E.D. Staff employees specifically prohibits from participation in politics and holding elected posts. The petitioner has not denied that he participated in politics or of his election as 'Gram Pradhan'. As the above action is violative of Rule-18 of the Service Rules of E.D. Staff, the petitioner is liable for disciplinary action. He has been put off duty and disciplinary proceedings were initiated. The department has given the choice to the petitioner to keep either the 'Gram Pradhan' position or the post of 'EDBPM'. But the petitioner persisted in retaining both the posts and in these circumstances, we are of the opinion that the impugned order of putting off duty passed against the petitioner is lakalid interference is called for from the Tribunal

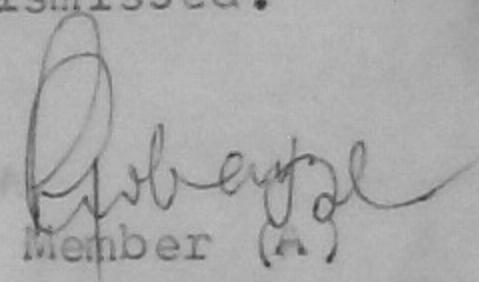
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We are informed that the Disciplinary Proceedings initiated against the petitioner has resulted in the dismissal . In any case, we do not see any merit in the petition and accordingly it is dismissed.


Member (J)

Allahabad.


Member (A)

Dt: 29.4.1991

(n.u.)