

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

.....

Registration T.A.No. 991 of 1987(T)

B.N.Srivastava

....

Applicant

Vs.

Union of India & Others

Respondents

Hon'ble Mr.Justice U.C.Srivastava, V.C.

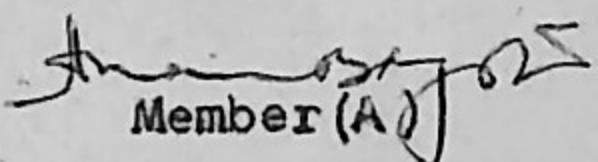
Hon'ble Mr.A.B. Gorthi, Member (A)

(By Hon.Mr.Justice U.C.Srivastava, V.C.)

The applicant was appointed as Extra Departmental Stamp Vendor at High Court Post Office, Allahabad on 11.8.1970. He continued to work as such till the year 1982 when the interim order was passed. By an order dated 27.4.1982, the applicant was put off from duty on the ground that the disciplinary proceedings against him are contemplated. It appears that some other person was appointed in place of the applicant and the applicant was put off from the duty. The applicant filed a Writ Petition before the High Court in which an interim order was granted on 11th May, 1982 staying the operation of the said order with a clarification that it will be open the respondents to take or not to take work from the applicant but they will pay him salary and other allowances. Thereafter the applicant was allowed to do work and is getting the salary. By operation of law this Writ Petition has been transferred to this Tribunal.

2. The reply has already been filed by the respondents. From the reply it appears that certain charges were against the applicant and on the basis of said charges they put off the duty of the applicant! 2

3. Obviously in view of the interim order passed by this Tribunal probably no disciplinary proceedings has taken place. Although the High Court did not direct the respondents not to go ahead with the disciplinary proceedings, but it appears that the respondents misunderstood the meaning of the orders and that is why they ~~showed reluctance~~ ⁱⁿ takes ~~their hands~~ in taking disciplinary proceedings. As the order to put off from duty automatically stands stayed and it appears to be no justification for continuing the said order and i.e. after several years, the order deserves to be quashed and the ~~objection~~ ^{order} is quashed. However, it is open to the respondents to take disciplinary proceedings against the applicant in case they are still interested in doing so.


Member (A)


Vice-Chairman.

25th October, 1991, Alld.

(sph)