

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

T.A.No.1353 of 1987.

Ghasi Ram DwivediApplicant.

Versus

The Superintendent of Post Offices, Banda Division
& othersRespondents.

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

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

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

The applicant, who was already a teacher in the Primary Pathshala, Baswari, District Hamirpur, was also appointed as Extra Departmental Branch Post Master, Baswari, Distt. Hamirpur in addition to his duties. Earlier the applicant was posted in that village itself but later on he was posted to another village. According to the applicant, it was at a distance of 3kms from the village where he was posted. While according to the respondents, the distance was 13 kms. It appears that there were certain complaints against the applicant for not attending his duties and according to the respondents, regarding embezzlement also and that is why he was put off duties vide order dated 25.11.83. A charge-sheet was served on the applicant but no enquiry took place. According to the applicant this was done to accommodate the brother-in-law of another officer of Post Offices and that is why the charge was taken away from him and he was not allowed to perform the duties. The applicant filed a writ petition before the High Court which, by operation of law, has been transferred to this tribunal, and in writ petition, an interim order was granted and status quo was ordered to be maintained. The applicant contended that notwithstanding the said interim order, the charge was not given to the applicant with the result that he

filed a contempt application which, according to the applicant, is still pending. Admittedly, in the year 1990, the order of putting off duties was recalled by the Superintendent of Post Offices and the applicant had been given duty and now he is working as Extra Departmental Branch Post Master. Shri R.R.Srivastava, learned counsel for the applicant strenuously contended that the departmental Circular in this behalf, which provides that the suspension period should not be unnecessarily prolonged and the enquiry should be concluded as early as possible and the matter should be brought to the notice of the Post Master General and action should be taken, has not been faithfully followed and in case the aforesaid instructions could have been followed, either the enquiry would have been concluded earlier or the applicant would have been reinstated in service but the same was not done. In reply, the respondents have stated that the enquiry against the applicant could not proceed because the applicant himself proceeded on long leave with the result that the matter had to be deferred. Whatever may be the position but it appears that ultimately it was decided not to hold any enquiry and to give charge to the applicant by giving one more opportunity to find out as to whether the applicant holds both the charges or not. Although the applicant was a teacher but by holding charge of Extra Departmental Post Master he was yet earning additional income. But so far as the period during which the applicant was put off duties, is concerned, it was unnecessarily prolonged but the Extra Departmental Branch Post Master- applicant is not entitled to get ^{also not} the salary and is entitled to get the amount which he was getting every month as allowances. The rule,

under which the applicant was appointed, provides that a person, who has been put off duties, will not be entitled for any allowances for the period during which he was put off duties. As such, we do not find any such ground to interfere at this stage. More so, when the applicant has been reinstated on duties. In this case, if the applicant was to be reinstated on duties, he could have been reinstated on duties earlier but the same was not done and in our opinion, the ends of justice would be met in case the respondents pay six months' salary to the applicant. Thus, we give direction that because the respondents have unnecessarily delayed the matter, they will pay six months' salary to the applicant within a period of three months from the date of communication of this order. With these observations, the application stands disposed of. No order as to costs.

D. Subbarao
MEMBER(A)
DATED: AUGUST 18, 1992
(ug)

LS
VICE CHAIRMAN.