

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1664 of 1992

Dungar Singh Rautela ..... Applicants.

Versus

Union of India & ors. .... Respondents.

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

Hon'ble Mr. V.K.Seth, Member-A

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

The very simple question in this application is that whether the applicant is entitled to get the allowances for the duty of period 17.9.1988 to 7.2.1991.

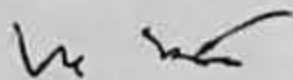
The applicant was working as Extra Departmental Branch Post Master at Bail-paraw District Nanital and while working as such that the Sub Divisional Inspector of Post Services Nanital vide his order dated 17.9.1988 exercising the power conferred under Rule 9(1) of EDA (C&S) Rules 1964 passed an order putting off from duty to the applicant with immediate effect on certain charges. A charge sheet was issued to the applicant which was properly replied by the applicant and after hearing the applicant the Senior Superintendent of Post Offices vide his order dated 12.12.1989 removed the applicant from service. Being aggrieved from the order dated 12.12.1989 the applicant filed an appeal before the Post Master General Bareilly Zone Bareilly. The Post Master General Bareilly Zone Bareilly vide his order dated 26.12.1990 allowed the appeal of the applicant and set aside the punishment awarded to the applicant and he was reinstated in service. Thereafter the

Senior Superintendent of Post Offices vide his order dated 18.1.1991 reinstated the applicant in service. On 8.2.1991 the applicant joined his post and wrote several letters to the respondents about the pay for the period of 17.9.1988 to 7.2.1991. The Senior Superintendent of Nanital vide his order dated 18.3.1991 informed the applicant that the allowances for the duty-off period is not admissible under Rules. Thereafter the applicant submitted various representations to the respondents about the allowances of duty off period but all in vain. Ultimately the applicant submitted a representation to the Chief Post Master General Uttar Pradesh Lucknow on 25.4.1992 but till today no order has been passed on his representation. It is therefore, submitted that the order of the respondents is bad in law and the applicant is entitled to get the allowances of the duty off period. On similar facts and grounds the Administrative Tribunal Bench Madras on 18.3.1991 in the case of K.Krishnamurthy Vs. Union of India and others (AID 184, Madras), it was held that in case of not proving the charges and on rejoining the employee is entitled to get the pay and allowances of the duty-off period. In the instant case the applicant was reinstated vide order dated 26.10.1990, but was reinstated only on 18.1.1991 as the applicant was also partly responsible for what has happened and during this period he was not allowed to do the work, but under Rule 9 no one is entitled to any allowances of put off duty. The applicant

cc



normally is not entitled too, but the action of the respondents has not been found quite correct and in as much as the charge against the applicant was not proved by the Appellate Authority so as to remove the applicant from service, so the applicant is entitled only to get the half of the allowances prayed for as the applicant was also partly responsible for what has happened. With the above observations, we direct the respondents to pay half of the allowance prayed for by the applicant within a period of three months from the date of the communication of this order. In case, the payment shall not be made within this period, the respondents will pay then entire amount to the applicant.



Member-A



Vice-Chairman

Allahabad Dated: 15.4.93

(jw)