

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1284 of 1999

Allahabad this the 18th day of August, 2000

Hon'ble Mr.S.K.I. Naqvi, Member [J]
Hon'ble Mr.M.P. Singh, Member [A]

Rohtash Singh, Son of Shri Sarjeet Singh, resident
of Village Darbara, Post Darbara, District Bijnor@.

Applicant

By Advocate Shri I.P. Srivastava

Versus

1. Superintendent of Post Offices, Bijnor
Division, Bijnor, Pin-246701.
2. Union of India through Secretary, Mini-
stry of Communication, New Delhi.

By Advocate ~~Shri~~ Km.Sadhna Srivastava

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri Rohtash Singh while posted as
Branch Post Master in Darbara, Bjijnore, he was
involved in a criminal case alongwith 3 others
and after having surrendered before the Court,
he was sent to jail in judicial custody. Since
the applicant remained in judicial custody for
a period of more than ⁴⁸~~24~~ hours, he was put off
duty by the respondents with effect from 05.1.99
vide order dated 15.3.1999. The respondents have

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also advertised the post inviting candidates, to fill in the post held by the applicant. The copy of Notification have been filed as annexure -5 to the O.A. Being aggrieved by these orders, the applicant has come up before the Tribunal with the prayer to quash the same and to direct the respondents to re-instate him.

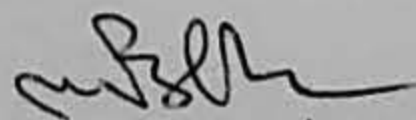
2. The respondents have contested the case and filed the counter-reply and have justified the order to put off the applicant from the duty and to advertise the post through notification being as per rules and departmental directions in this regard.

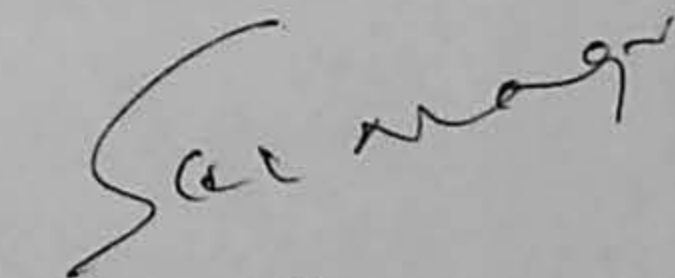
3. Heard, the learned counsel for the parties and perused the record.

4. Learned counsel for the applicant was so far under the impression that out of 4 accused, named in the criminal case, only 3 have been charge-sheeted and the Investigating Agency has taken decision not to challan the applicant and, therefore, he came up before the Tribunal seeking redressal as above, but in view of annexures C.A.-10 and C.A.-11 to the counter-affidavit, now it has come beyond doubt that a charge-sheet against the applicant-Rohtash Singh has already been submitted under Section 307/323 I.P.C. and thereby he is facing criminal trial ^{for offences} which according to the respondents are of moral turpitude. Learned counsel for the respondents referred D.G. Post Letter No.294/90(I) 1 T.R.G. dated 26.7.1990 in para-2(e)

of guide lines for putting off duty. It has been provided that "an E.D. against him a criminal charge involving moral turpitude is pending, may be put off duty during the period when he is actually detained in custody or imprisonment or enlarged on bail." This position is not in dispute that the applicant-Rohtash Singh is on bail in a criminal case under Section 307/323 I.P.C. and, therefore, the respondents are within their rights to put off the applicant from the duty and fill in the vacant post, consequent upon the applicant putting off the duty.

5. For the above, we find that no relief sought for by the applicant, can be granted. The O.A. is dismissed accordingly. No order as to costs.


Member (A)


Member (J)

/M.M./