

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 17th day of November 2000.

Original Application no. 1427 of 1999.

Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. Rafiq Uddin, Judicial Member

Mahadeo Prasad Pandey, S/o S.P. Pandey,
EDBPM, Belsahara (Jari Bazar) Allahabad.

... Applicant

C/A Shri R. Kumar, Shri R. Verma

Versus

1. Senior Supdt. of Post Offices, Allahabad.
2. Senior Post Master, Allahabad, HQ.
3. Union of India through Secretary Ministry of Communication, Govt. of India, New Delhi.

... Respondents

C/Rs. Shri D.K. Dwivedi

O R D E R

Hon'ble Mr. S. Dayal, Member-A.

This OA has been filed directing the respondents

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to revoke
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suspension order dated 26.10.98.

2. The facts of the case are that the applicant was mentioned as an accused in criminal case no. 1820 of 1988 under sections 147, 148, 324, 325, 323, 307 & 302 of IPC and section 3 (11) sub clause (5) of SC/ST Act. He surrendered before CJM, Allahabad and was subsequently granted bail. He was suspended vide order dated 20.10.98 under section 9 of EDA (C & S) Rules 1964. It has been claimed that a co-accused namely Shri Kamleshwar Prasad Pandey who was working as EDDA in the same post office, was also ordered to be put off and later on allowed to join his duties. The applicant has come here for this hostile discrimination against him.

3. We have heard learned counsel for the parties and perused the record.

4. We find from the CA that the respondents have not denied that Shri K.P. Pandey was also put off duty and put back. The only contention is that the order was not passed by Sr. Supdt. of Post Offices but passed by Sub Divil. Inspector of Post Offices, in case of Shri K.P. Pandey.

5. We find that the applicant had made a representation on 20.08.99. The same is stated to be still pending. Since recall of order of put off requires consideration

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of the comparative culpability of the applicant as well as Shri K.P. Pandey in the said offence, therefore, we direct the respondents to dispose of the representation of the applicant dated 20.08.99 by passing reasoned speaking orderw within a period of two months from the date of c@mmunication of this order with the stipulation that the respondents should grant equal treatment to both co-accused in cases facts and circumstances of both cases are the same.

6. There shall be no order as to costs.

Rafiquddin
Member-J

[Signature]
Member-A

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