

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 10TH DAY OF NOVEMBER, 2000

Original Application no.1238 of 2000

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Janeshwar Prasad, S/o Shri Hari singh
R/o Vill.Pherupur, P.O. Dhanpura
District Hardwar.

... Applicant

(By Adv: Shri R.K.Awasthi)

Versus

1. Union of India through Secretary,
Ministry of Posts & Telegraphs
New Delhi.
2. Assistant Superintendent,
Post Office Hardwar,
District Hardwar

... Respondents

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of the A.T.Act 1985
^{is against it} challenging the order dated 28.9.2000 by which applicant has
been put off the duty under Rule 9 of the Extra Departmental
Agent(Conduct & Service) Rules, 1964. The learned counsel
for the applicant has submitted that Under Rule 9 as
applicant has only put off from duty he will not get
subsistence allowance as provided in the Rules and the
^{shall} applicant ~~has~~ ^{be} suffered irreparable hardship and injury.
However, we do not find any substance in the submission of
the Apex court ~~in~~
has already held that even if the employees put off from
duty under Rule 9 he will be paid subsistence allowance.

In the circumstances, the apprehension of the applicant
is unjustified. Learned counsel for the applicant has

...p2

3

:: 2 ::

submitted that though order was passed on 28.9.2000 but applicant has not been served memorandum of charge and no proceedings have been initiated. Considering this aspect we dispose of this application with the direction to the respondents to initiate and conclude the disciplinary proceedings within the period of six months from the date a copy of this order is filed. There will be no order as to costs.

Dated: 10.4.2000


MEMBER(A)


VICE CHAIRMAN

Uv/