

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 6TH DAY OF JULY, 2000

Original Application No.716 of 2000

CORAM:

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

HON.MR.M.P.SINGH, MEMBER(A)

Mohd.Iqbal, aged about 35 years,  
S/o shri Jamil Ahmad,  
R/o 780, Mashha Ganj, Jhansi.

.... Applicant

(By Adv: Shri Rakesh Verma)

Versus

1. Union of India through the Secretary  
Ministry of Communication,  
(Department of Posts), New Delhi.
2. The Senior Superintendent of Post  
Offices, Jhansi Division, Jhansi.

.... Respondents

O R D E R(Oral)

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

Heard learned counsel for the applicant. This application ~~has~~<sup>has</sup> been filed challenging order dated 30.5.2000 by which applicant Mohammed Iqbal has been put off from the duty under Rule<sup>9</sup> of the Extra Departmental Agents(Conduct &Service) Rules.

Learned counsel for the applicant has submitted that as disclosed from the impugned order the disciplinary inquiry against the applicant is only contemplated and no inquiry is pending as provided in Rule 9(1) and for this reason the order is without authority and has been passed in contravention of aforesaid Rule. We have considered the submission of the learned counsel for the applicant. However, in our opinion submission has no force. The Rule

9 reads as under:-

9(1) reads as under:-

'Pending an inquiry into any complaint or allegation of misconduct against an employee, the appointing authority or an authority to which the appointing authority is subordinate may put him off duty:

Provided that in cases involving fraud or embezzlement an employee holding any of the posts specified in the Schedule to these rules may be put off duty by the Inspector of Post Offices, under immediate intimation to the appointing authority."

Under Sub-rule(1) an employee may be put off from the duty in case <sup>if</sup> ~~is~~ an inquiry is pending against him or allegation of misconducts are there. It is true that inquiry <sup>at present</sup> is not pending against the applicant but there are serious allegations of misconduct of absence from duty on 4.5.2000 and 6.1.2000 to 31.1.2000 and 8.2.2000 to 4.5.2000. On the aforesaid <sup>dates</sup> the applicant had not signed attendance register. Vigilance Officer detected this during inquiry.

The learned counsel for the applicant also placed before us the letter dated 7.6.2000 written by Sub Post Master, Maharani Laxmibai sub post office, Jhansi. However, in our opinion it will not be proper for this bench to enter into this question as this shall be subject matter of the inquiry pending against the applicant. In our opinion the order does not suffer from any illegality or wants of authority. The application has no force and accordingly rejected. No costs.

  
Dated: 06.7.2000 MEMBER (A)

  
VICE CHAIRMAN

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