

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. /613/93
CA. NO.

DATE OF DECISION 21.4.98

H R Pandya

Petitioner

Mr .B .B .Gogia

Advocate for the Petitioner [s]

Versus

Union of India & ors

Respondent

Mrs .P .Safaya

Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. v.Radha krishnan

Member (A)

The Hon'ble Mr. P.C.Kannan

Member (J)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri H.R.Pandya,

Address: 37, Anant Nagar,
Morvi-2.

Applicant

Advocate Mr.B.B.Gogia

versus

1. Union of India, Through :
Director General of Posts,
Postal Department,
Govt. of India,
New Delhi.

2. Sr. Supdt. of Post Offices,
Rajkot Division,
Rajkot.

3. Chief Postmaster General,
Gujarat Circle,
Ahmedabad.

Respondents

Advocate Mrs.P.Safaya

ORAL ORDER

O.A.613 of 1992

Date: 21.4.1998

Per Hon'ble Mr.V.Radhakrishnan

Member (A)

Heard Mr.Gogia and Mrs.Safaya, the learned advocates for the applicant and the respondents respectively.

2. The applicant in this case has approached this Tribunal asking for the following reliefs :-

Agd

A) It may be held that the part of the appellate order dated 11.11.92 at Ann.A-22 by which the applicant has been denied back-wages and arrears of allowance is illegal and unjust and the respondents may please be directed to pay back wages to the applicant ~~fr~~ from the date he was put off duties i.e. from 26.8.87 and revocation of putting off duties i.e. 24.5.88 and also from the date of removal from service i.e. 30th March 1990 till his reinstatement ordered vide respondent Mo.3's order dated 11.11.92 at Ann. A-22.;

B) Any other better relief/relief as the Hon'ble Tribunal may deem just and proper looking to the facts of the application may please be granted to the applicant ;

C) The cost of the application may please be granted to the from the respondents."

3. During the discussion at the Bar, Mr.Gogia's contention is that the appellate authority, by the order dated 11.11.92 had reinstated the petitioner in service and as such the applicant should be allowed ~~to~~ full pay allowances for the period during he was put off duty from 26.8.87 to 24.5.88 and the date of removal from service 30.3.90 till his reinstatement

Agv

on 11.11.92. He also mentioned that the rules regarding allowances of put off duty has been amended and certain allowances are payable to the ED Agents for put off duty and hence, the applicant could also be considered for payment of these allowances.

Mrs. Safaya on the other hand ~~not~~ contended that the amendment of the rules ~~not~~ come into force very recently whereas the applicant was put off duty as long back as in the year 1987-88 and according to ~~not~~ the rule at that time, he would/ be given any allowances for put off duty during that period. She also mentioned that the appellate authority had not declared the applicant as not guilty but had only reduced the punishment as removal from service as it was considered to be a very harsh and considering the nature of charge against the applicant ~~and the~~ further the appellate authority himself has also decided that the applicant cannot be entitled for any allowances or arrears or any back-wages. Accordingly, the applicant's request for back-wages should be rejected.

4 . After hearing both the sides, and going through the documents, we feel that the interest of justice will be met by allowing the applicant 50% of the wages from the date of his removal i.e. 30.3.90 till his reinstatement on 11.11.92. However, for the purpose of service for pension, if any, the period of put off duty as well as intervening period i.e. from the date of removal and till the date of reinstatement shall be counted as per rules.

D.A. stands disposed of accordingly.

D.Kannan
(P.C.Kannan)
Member (J)

MR
(V.Radhakrishnan)
Member (A)