

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O. A. No.279 OF 1988.

Decided on - December 19, 1989.

Fakir Chand Mandal,
Son of Ramesh Chandra Mandal,
Village/P.O.Badamouda,
Via- Gorumahisani,
District-Mayurbhanj.

.... Applicant.

Versus.

1. Union of India, represented by
Postmaster General, Orissa Circle,
Bhubaneswar, District-Puri.
2. Superintendent of post offices,
Mayurbhanj Division, Baripada,
District-Mayurbhanj.
3. Sub-Divisional Inspector (Postal),
Raipur, District-Mayurbhanj.

... Respondents

For Applicant	:-	M/s. P.V. Ramdas and B.K.Panda
For Respondents	:-	Mr. Tahali Dalai, Additional Standing Counsel (Central)

C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SEN GUPTA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T.

B.R. PATEL, VICE-CHAIRMAN.

The applicant of this case is working as an Extra-Departmental Branch Postmaster (for short, E.D.B.P.M.) of Badamouda Post office in the district of Mayurbhanj. He was appointed as such on 27.12.83. On 19.9.87 he was put off duty by the Inspector of Post offices, Rairangapur vide Annexure-1. The put off order was confirmed by the Superintendent of Post Offices on 26.10.87 vide Annexure-2. On 11.8.88 a departmental proceeding commenced on the following two charges :

- (1) There was delay of two months in accounting for Rs.1180.00 ; and
- (2) There was delay of 3 days in accounting for Rs.208.00/-.

The applicant has assailed the put off order on the ground that the delay of 36 days in confirming the order is violative of rule 9(2) of the E.D.Agents (Conduct and Service) Rules, 1964 and as such is invalid.

2. The respondents in their counter have maintained that the competent authority, name,y, Superintendent of Post offices had in fact confirmed the put off order of the Inspector of Post offices in the file on 28.9.87 and as such the order of confirmation was within the purview of rule 9

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of the aforesaid rules and there having been no further irregularity, the put off order should not be interfered with.

3. In regard to the other prayer of the applicant that because of the delay in commencement of the departmental proceeding, the same should be quashed, Mr. Dalai, learned Additional Standing Counsel has averred that there is absolutely no ground for quashing the departmental proceeding as the charges are very serious in nature.

4. Mr. Ramdas appearing for the applicant has averred that since the put off order passed by the Inspector of Post offices has not been confirmed within the prescribed period it is null and void. Rule 9(2) of the E.D. Agents (Conduct and Service) Rules, 1964 on which reliance has been placed by Mr. Ramdas reads as follows :

" (2) An order made by the Inspector of Post offices under sub-rule (1) shall cease to be effective on the expiry of fifteen days from the date thereof unless earlier confirmed or cancelled by the appointing authority or an authority to which the appointing authority is subordinate."

A copy of the order confirming the put off order is at Annexure-2 which was issued on 26.10.87. The last paragraph of this order reads as follows :

" Now the order of put off duty made by the S.D.I.(P), Rairangpur Sub-Division is hereby confirmed and ratified."

(underlining is for emphasis)

In view of this, the plea of Mr. Dalai is not acceptable. This annexure makes it abundantly clear that the put off duty order in fact was confirmed by the competent authority, namely, the Superintendent of Post offices, Mayurbhanj division, Baripada on 26.10.87. As such Rule 9(2) of the



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E.D. Agents (Conduct and Service) Rules, 1964 will come to play and in terms of this rule, the put off duty order ^{is} ~~is~~ ceased to be effective on the expiry of fifteen days from the date when the put off duty order was passed i.e. 19.9.87 and as such the put off duty order is no longer subsisting. In other words, the applicant is treated to be in service with effect from 6.10.87 and he should be given usual service benefits. We would not, however, like to pass any orders so far as the departmental proceedings are concerned. The proceedings should go on and should be disposed of as expeditiously as possible. The departmental authorities have prescribed a period of 120 days for finalising the departmental proceedings. We hope that the competent authority of the department will keep this in mind and dispose of the proceedings after giving due opportunity to the applicant to defend himself.

5. The application is accordingly disposed of, leaving the parties to bear their respective costs.



[Signature] 19.12.89

 VICE - CHAIRMAN.

N. SEN GUPTA, MEMBER (JUDICIAL).

I agree.

[Signature] 19.12.89

 MEMBER (JUDICIAL)

Central Administrative Tribunal,
 Cuttack Bench, Cuttack,
 December 19, 1989/ Jena, SrPA.