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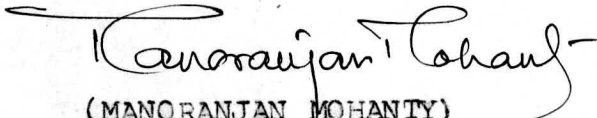
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.


ORIGINAL APPLICATION NO. 406 OF 1995.  
cuttack, this the 11th day of February, 2002.

Biranchi Narayan Sahoo. .... Applicant.  
-Versus-  
Union of India & Others. .... Respondents.

FOR INS TRUCTIONS

1. whether it be referred to the reporters or not? Yes.
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

  
(S .A.T. RIZVI)  
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

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ORIGINAL APPLICATION NO. 406 OF 1995.  
Cuttack, this the 11th day of February, 2002.

C O R A M:-

THE HONOURABLE MR. S.A.T. RIZVI, MEMBER (ADMN.)

A N D

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDL.).

...

Sri Biranchi Narayan Sahoo,  
S/o. Late Chaitanya Sahoo,  
At-Gurukul Vedic Ashram,  
PO: Vedvyas, Rourkela-41,  
Dist: Sundergarh.

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APPLICANT.

By legal practitioner: Mr. P.K. Padhi, Advocate.

-Vrs.-

1. Union of India through its Secretary,  
Ministry of Communication, Dak Bhawan,  
New Delhi-110 001.
2. Postmaster General (Sambalpur Region),  
At/Po/Dist: Sambalpur.
3. Director of Postal Services (Sambalpur Region),  
O/O. the P.M.G., Sambalpur, At/Po/Dist: Sambalpur.
4. Senior Superintendent of Post Offices,  
Sundergarh Division, At/Po/Dist: Sundergarh.

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RESPONDENTS.

By legal practitioner: Mr. A.K. Bose,  
Sr. Standing Counsel (Central).

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O R D E R

MR. S. A. T. RIZVI, MEMBER (ADMN.) :

By an order passed on 8-11-1994, Annexure-1, the applicant who is an E.D.S.P.M., Vedvyas E.D. Sub-Post Office in the District of Sundergarh was placed under put off duty with immediate effect. That order was, according to the learned counsel for the applicant, received by the Applicant on 3rd January, 1995. Aggrieved by the aforesaid order the applicant has filed the present Original Application on 21-7-1995. The prayer made is for quashing and setting aside the aforesaid order on the ground, inter alia that such an order can not be kept alive beyond 45 days. It was pointed out by the Applicant that on the date of filing of the Original Application a chargesheet had not been served on him.

2. In support of his contention that the impugned order could not be kept alive beyond 45 days, Learned Counsel appearing on behalf of Applicant has relied extensively on the Departmental instructions placed on record Annexure-A/5. The relevant portions thereof, on which specific reliance has been placed by the Learned counsel for the applicant, are for the sake of convenience and for a proper appreciation of the points made by him reproduced as under:

\*4(ii) Personal review by the Regional Director; The Regional Director should personally review every month cases of put off duty of all EDAs and issue appropriate orders in each case.

3. It is also necessary that the disciplinary authority makes every effort to finalize the disciplinary proceedings and pass final orders so that an EDA does not remain put off duty for a period exceeding 45 days and not 120 days as ordered previously. The Divisional Superintendent should draw up a time-table for ensuring finalization of disciplinary cases within this period. If, due to unavoidable reasons, it is not possible to finalize a case within this period, the matter should be reported immediately to the next superior authority giving full justification why the EDA can not be taken back to duty pending finalization of the case. The superior authority should on receipt of the report immediately review the case and consider:-

- i) whether there is justification to continue the EDA concerned off duty for a further period; and
- ii) what steps should be taken by the disciplinary authority to eliminate all avoidable delay in finalizing the case.

4. xx xx. The Directors/Regional PMGs/Chief PMGs should personally review cases of put off duty of all EDAs during inspection and issue proper orders in each case. In cases where the authority to confirm/rescind the order is the DPS, a review should be carried out every month by the Regional PMG/Chief PMG. Cases of put off duty pending for 45 days or more should be brought to the personal notice of CPMG/PMG/Regional PMG who should issue proper directions in this regard\*.

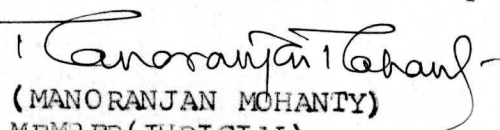
3. If one has regard to what has been laid down in the aforesaid instructions, we are not convinced that these provide for a maximum time limit of 45 days for keeping an ED Agent on put off duty. The aforesaid instructions only provide that generally speaking an effort should be made to dispose of put off duty cases in 45 days time. However, if in certain situations, the employee concerned is to be kept on put off duty, beyond that period, the matter should be reported to the higher authorities. d

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4. We are now given to understand that a regular charge-sheet was served on the Applicant in September, 95. The status of the proceedings is not known to either counsel. Considering the long period of nearly six years, which has since elapsed, we have a feeling that the proceedings in question are likely to have been finalised by now. If not, there is a case for giving a direction to the Respondents to do so expeditiously and in a given time framed. Once the disciplinary proceedings are decided, the matter concerning the placement of <sup>the</sup> applicant on put off duty will, if not already decided <sup>& beforehand</sup>, be decided automatically.

5. In the light of the foregoing discussions, we dispose of the present O.A. with a direction to the Respondents to dispose of the disciplinary proceedings initiated in September, 1995 expeditiously and in any event within a period of three months from the date of receipt of a copy of this order. It is clarified that in the event of Respondents failure to do so, the disciplinary proceedings shall stand abated.

6. The O.A. is disposed of as above. No costs.

  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

  
(S.A.T. RIZVI)  
MEMBER (ADMN.)

KNM/CM.