

Serial No. Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
08	12/02/2001	<p>This has come up for fixing a date of hearing.</p> <p>Adjourned to 19.02.2001 for hearing.</p> <p><i>J. J. M.</i> Vice-Chairman</p> <p><i>B. S.</i> Member (J).</p>	<p>Hearing.</p> <p>Deficit fees deposited.</p> <p>Notice may be issued to Respondents High Regd/Ad Post including the copy of order dt. 16.2.95.</p> <p><i>M. S.</i> 22.2.95 So (g)</p>
9	19.2.2001	<p>Heard Shri S. Dash, learned counsel for the petitioner and Shri A.K. Bose, learned Sr. St. Counsel for the respondents and also perused the records.</p> <p>In this O.A. the petitioner has prayed for sixing staying the order dated 16.1.1995 placing him under put off duty from the post of E.D. Packer, Jhumpura Branch Office. His second prayer is for direction to respondents to pay him his held up salary for the months of March, April, May and June/94 within a stipulated period. The third prayer in general terms is for a direction to Res. 6, the Post Master, Jhumpura W. not to torture the petitioner henceforward during the office hours. Respondents have filed counter opposing the prayer of the applicant.</p> <p>On the date of admission of this O.A. on 16.2.1995 a temporary stay for 14 days was given to Annexure-12 and it was direct</p>	<p>Counter not filed.</p> <p>ADs except R-5 have not been returned.</p> <p>For orders pl.</p> <p><i>B. S.</i> 1/3/95</p> <p>Bench.</p> <p>Counter filed on 21.3.95.</p> <p>Copy served.</p> <p>For hearing pl.</p> <p><i>B. S.</i> 29/3/95</p> <p>Bench.</p> <p>Counter filed; Ad to this week.</p> <p>For hearing pl.</p> <p><i>B. S.</i> 9.5.95</p> <p>Bench.</p>

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		<p>directed that only after going through the counter the interim stay would continue. Respondents in their counter have stated that the applicant was placed under put off duty on 16.1.1995 and the order of the Tribunal staying put off duty order was received by them on 20.2.1995, i.e. one and half months after the applicant was put off duty, and therefore, the same could not be given effect to. As it appears from the pleadings their contention is that applicant continued under put off duty for all these years. Respondents in their counter have stated that disciplinary proceedings have been initiated against the applicant on the ground of various alleged lapses on his part, more particularly because of non-attendance to duties specifically assigned to him by a written order, which has been enclosed by the applicant himself. From the pleadings it is not clear as to at what stage now the disciplinary proceedings stand. Respondents have stated in their counter that salary for the period in question was withheld because the applicant did not attend to the duties on those days which is the subject matter of the disciplinary proceedings against him. In view of this we direct the departmental authorities, more particularly, Res. 3, 4, 5 and 6 to complete the disciplinary proceedings against the applicant within a period of 60 (Sixty) days from the date of receipt of this order, in case the same is still pending and ^{in case} no final order has since been passed on the disciplinary proceedings, the same shall be passed within a period</p>	<p>Adi- to 21.2.97 as per order in Ref. No. OA 235/98 and OA. 240/98.</p> <p>AW 20/2/97</p> <p>Bench.</p> <p>For orders fixing a date of hearing.</p> <p>Bench</p> <p>7/2/01</p> <p>For hearing. Fahm 16/2 Bench</p>

S. Jms.

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free copy of
the order No-9
dt-19.2.01 given
to the both
counsel.

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30(Thirty) days thereafter. The prayer of the applicant for direction to respondents to pay him the withheld portion of salary for the months of March, April, May and June is ordered to be decided in the light of the orders of the Disciplinary Authority to be passed on the disciplinary proceedings against the applicant. Applicant has asked salary for the months of March, 94. Respondents in Para-5 of their counter have stated that salary of March, 94 was duly paid to him even though he absented himself on 20th and 30th March, 93. We find from the O.A. that in Para-8 the petitioner speaks of salary for the months of March, 94 onwards, whereas Respondents in their counter have referred to the month of March, 1993. Respondents have further stated that as for those two days of absence full allowance was paid to him in March/93, excess payment was deducted from his salary for the month of October/93. Be that as it may, decision with regard to payment of full allowance/allowance for the days the applicant was absent is to be taken while passing final orders on the disciplinary proceedings pending against the petitioner by the competent authority.

In case disciplinary proceedings have not been initiated by to-day then the respondents are directed to pay the withheld salary of the applicant for the months of March, April, May and June/94, as prayed for by the applicant in his petition. Respondents will be free to proceed against the applicant for his alleged lapse in case the proceedings have not been initiated at all.

With the above observation and direction O.A. is disposed of. No costs.

MEMBER (JUDICIAL)

Benjamin
VICE-CHAIRMAN
19/2/95