

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For Admonition

DB 23/4/01

Bench

6. ORDER DATED 24.4.2001.

Heard Mr. S.C. Mohapatra, learned counsel on behalf of Shri J.K. Swain, learned counsel for the applicant and Mr. S.B. Jena, learned Additional Standing Counsel appearing for the Respondents and have also perused the records.

In this Original Application, the applicant has prayed for quashing the put off duty order dated 10.4.2000 and to reinstate him in service. Respondents have filed counter and additional counter and the applicant has filed rejoinder. We have perused the pleadings of the parties.

The admitted position is that the applicant was working as EDB PM, Kutunia BO under Rajgangpur SO when in order dated 10.4.2000 he was put off duty. It is also admitted position between the parties that the EDDA, Kutunia BO had misappropriated an amount of Rs. 1500/- in respect of a money order and another Rs. 800/- in respect of two recurring deposit amount. It is also admitted position that the total amount of Rs. 2300/- has been recovered from ~~xxxxxx~~ Shri Bikram Lakra, who was working as EDDA. Respondents have taken the stand that as EDDA has nothing to do with the savings deposit account it is only because of the lapses on the part of the applicant the EDDA B. Lakra ^{could} ~~had~~ misappropriated the above amount.

For these lapses on the part of the applicant, he has been put off duty in order dated 10.4.2000. It is also admitted position that put off duty allowance was not sanctioned to him. In pursuance of our order dated 17.11.2000, put off duty allowance was sanctioned but it is submitted by learned

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counsel for the applicant that after expiry of 90 days this amount is required to be increased but such increase has not been made. It is submitted and is also the admitted position between the parties ^{Swamy} that even after passage of one year, charge-sheet has not been issued to the applicant. Respondents have stated that after the applicant has been put off duty, the previous work relating to the applicant has to be verified and this is taking time and that is why charge-sheet has not been issued. We note that the Director General of Posts in his circular dated 26.7.1990 gist of which has been printed at pages 59-60 of Swamy's compilation (7th edition) has directed that the proceedings against an ED agent should be completed within a period of 45 days and not within the period of 120 days as fixed earlier. Learned counsel for the applicant has also drawn our attention to the Director General of Posts letter dated 19.4.1988 and 15.1.1988 gist of which has been printed at page 58 of Swamy's Compilation (7th edition) that cases of put off duty pending over more than six months, should be brought to the notice of PMG or APMG for issuing appropriate orders. In this case admittedly, the misappropriation has been committed by somebody else i.e. by EDDA and money has been recovered from him. Because of the alleged lapses on the part of applicant nature of which is yet to be brought out and in respect of which there is no averment in the counter, the applicant has been placed under put off duty. As already more than one year has passed and no charge-sheet has been issued against him and even the nature of the lapse has also not been brought ^{out} ~~it~~.

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with this, it is a fit case where the Departmental Authorities should consider reinstating the applicant. We direct that the applicant should be reinstated within a period of 30 days from the date of receipt of a copy of this order. We decline the prayer of applicant for quashing the put off duty order. We also make it clear that once charges are framed the Respondents would be free to take no further action strictly in accordance with Rules.

With the above observations and directions, the Original Application is disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.

Free copies of
Final order
dt. 24.4.2009 issued
to counsels for
both sides.

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26/4/09

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S.O (D)