

OA 264/03

ORDER DATED 03.09.2004.

Nonpayment of the enhanced ex-gratia to the Applicant (after 90 days of his continued 'put off duty', under sub rule(3) of Rule 9 of the EDA(Conduct and Service) Rules, 1964) is the subject matter of challenge in this Original Application filed under section 19 of the Administrative Tribunals Act, 1985 by the Applicant, GDSBPM of Belda Branch Post Office under Balasore Postal Division.

2. Respondents, by filing counter, have stated that since the delay in culminating the disciplinary proceedings was attributable to the Applicant, after the orders of this Tribunal dated 8.5.2003, the same was considered by the competent authority and rejected the grievance of the applicant for enhancement of exgratia amount.

3. Having heard learned counsel for the parties and upon perused the materials placed on record, ~~Upon hearing and perusal of the materials placed on record~~ it is seen that no convincing explanation has been given by the Respondents, prima facie, to come to a conclusion that the delay in culminating the proceedings occurred due to the laches of the applicant. For an example, though the applicant was placed under off duty w.e.f. 23.8.2001, it took eight months to serve the charge-sheet on 24.5.2002 and in this regard no explanation has been offered by the Respondents. If the applicant did not attend the enquiry on the date and time fixed by the I.O. without any logical explanation, then it was well

opened for the authorities to proceed as against the delinquent as per the Rules. Therefore, for the fault of the Respondents the Applicant should not be blamed particularly in the matter of culminating the proceedings initiated against the Applicant. Rules in this regard is very clear. The order of rejection, though stated by the Respondents, has not been annexed/produced for perusal of this Tribunal.

4. In this view of the matter, the irresistible conclusion is that the applicant is entitled to get the enhanced TRCA. The Respondents are hereby directed to consider the payment of the TRCA at the enhanced rate to the Applicant as per subrule 3 of Rules 9 of EDA(C&S) Rules, 1964 after expiry of 90 days from the date of put off duty and pay the applicant the differential amount (minus 25% already paid). The whole exercise shall be completed within a period of 90 days from the date of receipt of a copy of this order.

5. In the result, this O.A. is disposed of. No costs.

J. Mohanty
03/09/04
(Manoranjan Mohanty)
Member (Judicial)