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O.A. No. 191 of 2009

Order dated: 18.05.2009


CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

Aggrieved by the continuation of the put off duty ordered against the applicant as per the order dated 13.11.2007 on the ground that a departmental proceeding is initiated against him on a charge memo issued to him. It is claim of the applicant before this Tribunal in this O.A. that since he is ordered to be on put off duty for the last two years and the proceedings alleged to have been initiated is also not completed, in the circumstances, this Tribunal may direct the Respondent to reinstate the applicant forthwith in service as GDSBPM.

2. With regard to second ^{point} ~~portion~~, we are not inclined to issue any order. However, with regard to the first point, since, the applicant has been ordered to be under put off duty on 13.11.2007 and the proceedings so initiated against him is also not completed, in the above circumstances, the applicant has also filed Annexure-A/5 addressed to Sr. Superintendent of Post Officers, we are of the view that this O.A. can be disposed of at the initial stage



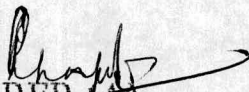
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itself by directing the Respondents to dispose of the pending representation of the applicant.

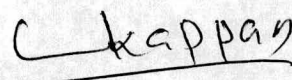
We have heard Mr. R.K. Pradhan, Ld. Counsel for the applicant and Mr. U.B. Mohapatra, Ld. Sr. Standing Counsel for the Respondents, who had received notice for and on behalf of the Respondents.

We are of the view that continuation of the applicant on put off duty to an unlimited period is not in accordance with the provisions of the relevant rules. Hence, it is only proper for the Respondents to consider Annexure-A/5 representation within a reasonable time and pass appropriate orders thereon within 45 days from the date of receipt of a copy of this order. Ordered accordingly.

With regard to prayer for continuation of proceedings, ^{as the grounds raised are not convincing} we are not inclined to give any order in favour of the applicant. Accordingly, with the above direction, we dispose of the O.A. without any order for costs.

Copies of this order given to the Ld. Counsel for the either sides for implementation.


MEMBER (A)


MEMBER (J)