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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00775 OF 2016
Cuttack, this the 5th day of December, 2016

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)

Sushil Kumar Pradhan,
aged about 36 years,
Son of Late Syamsundar Pradhan,
Presently working as GDS BPM,
Kadaigarh BO, Rairakhol SO under
Sambalpur H.O. (under put off duty),
Dist- Sambalpur.

....
...Applicant

(By the Advocates - M/s. D.P.Dhalsamant, N.M.Rout)

-VERSUS-

Union of India Represented through its

1. Director General of Posts, Govt. of India, Ministry of Communications, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Chief Post Master General, Odisha Circle, Bhubaneswar, District-Khurda, 751001.
3. Director Postal Services, O/o Post Master General, Sambalpur Region, At/PO/Dist- Sambalpur, 768001.
4. Superintendent of Post Offices, Sambalpur Division, At/PO/Dist- Sambalpur, 768001.
5. Asst. Superintendent of Post Offices IC, Sambalpur Division, At/PO/Dist- Sambalpur, 768001.

....
...Respondents

(By the Advocate - Mr. C.M.Singh)

.....
O R D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. D.P.Dhalsmant, Ld. Counsel for the Applicant, and Mr. C.M.Singh, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondent, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

A.K. Patnaik

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

“8.1 That the order dated 30.12.2014 (A/1) & order dated 09.01.2015 (A/2) be quashed.

8.2 Direction be issued to respondents to reinstate the applicant treating the period of put off duty as duty with all consequential benefits.

8.3 Further be pleased to pass.....”

3. This O.A. has been filed under Section 19 of the AT Act, 1985 challenging the order dated 09.01.2015 under Annexure-A/2 under which the disciplinary proceeding was contemplated against the applicant and he was put under off duty as per the provisions enumerated under Rule 12(1) of GDS (Conduct & Engagement) Rules, 2011 by the ASPO, In-charge, Sambalpur, East Sub Division. Mr. Dhalsamant, Ld. Counsel for the applicant, by drawing my attention to the Govt. of India, DoPT O.M. No. F.No.11012/04/2016-Estt.(A), dated 23.08.2016, submitted that as per the said O.M. a delinquent employee cannot be charge-sheeted before 90 days of put off duty and in the instant case a charge sheet has been issued in violation of the said O.M. and hence the same is liable to be quashed.

4. On perusal of the record, I find that in the meantime the applicant has already ventilated his grievance pin-pointing the aforesaid position of law addressed to the Supdt. of Post Offices, Sambalpur Division (Respondent No.4) by way of an exhaustive representation on 24.07.2016 (Annexure-A/5) with a prayer to reinstate him as early as possible to his original place of posting but no reply has been communicated to him till date and on the other hand they are likely to proceed with the charge sheet so issued to the applicant on 26.08.2016.



5. Since the representation of the applicant is stated to be pending with Respondent No.4, without going into the merit of the matter, I dispose of this O.A. at this admission stage with direction to Respondent No.4 to consider the aforesaid representation (Annexure-A/5), if at all filed and is still pending consideration, as per rules and regulation governing the field as well as keeping in mind the O.M. issued by the Govt. of India DoPT dated 23.08.2016 and communicate the result thereof to the applicant by way of a well reasoned order within a period of two months from the date of receipt of a copy of this order. Though, I have not expressed any opinion on the merit of the matter and all the points raised in the representation are kept open for the authorities to consider the same, I also hereby direct that Respondents shall not proceed further in pursuance of the order dated 26.08.2016 for a period of one month from the date of such consideration of the said representation and communication thereof to the applicant.

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. Copy of this order along with paper book be communicated to Resp. Nos. 2, 3 and 4 by Speed Post at the cost of the applicant for which Mr. Dhalsamant, Ld. Counsel for the applicant, undertakes to file the postal requisites by 07.12.2016. Free copy of this order be given to Mr. C.M.Singh, Ld. ACGSC, by tomorrow.


(A.K.PATNAIK)
MEMBER (J)