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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 677/2016
this the 28th day of September, 2016

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)
HON'BLE SHRI S.K.PATTNAIK, MEMBER (J)

Anam Charan Swain aged about 62 years S/o Late Shri Sadhu Swain, At/PO Mangarajpur, District Jagatsinghpur, GDSBPM, Mangarajpur BO (Under POD). **...Applicant**

By the Advocate : Shri P.R.J.Dash
-VERSUS-

1-Union of India represented through its Secretary-cum-Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi - 110 116.

2-Chief Post Master General, Odisha Circle, Bhubaneswar, District Khurda - 751 001.

3-Superintendent of Post Offices, Cuttack South Division, Cuttack - 753 001.

4-Head Postmaster, Jagatsinghpur HPO, AT/PO/District Jagatsinghpur - 754 103. **...Respondents**

By the Advocate : Shri B.S.Swain

O R D E R (Oral)

R.C.MISRA, MEMBER(A) :

Heard Shri P.R.J.Dash, learned counsel for the applicant and Shri B. Swain, learned Additional Central Government Standing Counsel for the respondents.

2. The learned counsel for the applicant submitted that the applicant had joined as Extra Departmental Branch Post Master (EDBPM), Mangarajpur B.O. under the Department of Posts on 29th December, 1978. The respondent No.3 i.e. the Superintendent of Cuttack South Division, passed an order of put off duty in respect of the applicant on 7th April, 2014



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(Annex.A/1). By that time, he had rendered 36 years of service in the department. The respondent No. 3 had sanctioned put off duty allowance @ 25% vide his order dated 2nd February, 2015 but, the same was not paid to him. The delay in continuance of put off duty order is not attributable to him but, the ex gratia compensation has not been enhanced to 37.5% even though a period of more than 2 years and 5 months have been passed and order of put off duty was never reviewed by the said respondent as per rules and instructions dated 19th April, 1988 issued by the Director General (Posts). The applicant has alleged that put off duty without payment of ex gratia compensation is not only violative of rules but is also a source of harassment to him. The applicant submits that he has made several representations making a prayer that ex gratia compensation as well as enhanced ex gratia compensation after three months of put off duty, may be released in his favour; however such representations have not evoked any reaction from the concerned authorities. The applicant, therefore, submits that he has now been forced to approached this Tribunal praying for suitable orders and directions to the competent authority for payment of ex gratia compensation and also the compensation at higher rates w.e.f. 7th July, 2014 which is after three months' of his date of put off duty, along with interest.

3. On perusal of documents, we find that applicant was placed under put off duty vide order dated 7th April, 2014 because of contemplation of disciplinary proceedings against him. Vide an order dated 2nd February, 2015, orders have been passed to pay 25% of his TRCA from the date of put off duty until further orders. Therefore, it is not understood under



what circumstances, the payment of compensation allowance to the applicant in pursuance of order dated 2nd February, 2015 has not been ensured by the authorities. From the papers placed before us, *prima facie*, it appears that the authorities have shown callousness by not disbursing the compensation allowance to the applicant. The respondents, it appears have not enhanced the compensation allowance after 90 days of put off duty as alleged by the applicant. We, however find that the applicant made a representation to the respondent No. 3 i.e. the Superintendent of Post Offices, Cuttack South Division in this regard in which he has made a prayer for payment of put off duty allowance as well as the enhanced rate of put off duty from 7th July, 2014 after completion of three months of the issue of order of put off duty. Therefore, without going into the merits of this case, we dispose of this O.A. at the stage of admission by issuing a direction to respondent No. 3 to dispose of the Representation of the applicant dated 12th September, 2016 with a reasoned and speaking order and communicate the same to the applicant within 30 (thirty) days from the date of receipt of a copy of this order. The payment of compensation allowance at normal rate as well as enhanced rate as admissible under the rules should be ensured to applicant within the aforesaid period so that the applicant does not go through any further distress on this account.

4. With the above observation and direction, the O.A. is disposed of at the stage of admission. A copy of this order be sent to respondent No. 3 along with paper book for which, requisites may be submitted by the applicant by 3rd of October, 2016. A free copy of this order be given to counsel



for applicant and Shri B.Swain, learned ACGSC, after ensuring the fact that he has filed his Vakalatname or the Memo of Appearance in the instant case.


[S.K.Pattnaik]
Member (J)


[R.C.Misra]
Member(A)

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