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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODEPUR BENCH,
JODHPUR.

Date of Decision: 27.2.2002

OA 118/2001

Jeev Raj Panwar, EDBPM (under put off) in the
Accounts Office of Sendra, Distt. Pali Marwar.

... Applicant

v/s

1. Union of India through Secretary, Ministry of Communication, Deptt. of Post, Dak Bhawan, New Delhi.
2. Supdt. of Post Offices, Pali Division, Pali-Marwar.

... Respondents

CORAM:

HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.B.Khan

For the Respondents

... Mr.Vinit Mathur

O R D E R

PER HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN

The applicant was involved in a criminal case u/s 409 and 467 IPC. He was finally acquitted by the court of Munsif Magistrate 1st Class, Barr, Distt.Pali, vide judgement dated 27.6.2000 (Ann.A/2) by giving the benefit of doubt. After his acquittal, the applicant submitted a representation dated 13.10.2000 (Ann.A/3) and prayed that he may be reinstated in service with back wages and allowances. It was not done. Now the applicant has come before

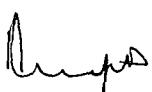
Vinit Mathur

this Tribunal u/s 19 of the Administrative Tribunals Act, 1985 with the prayer that he may be directed to be reinstated in service.

2. A reply has been filed.

3. Heard the learned counsel for the parties. The learned counsel for the respondents submitted that a departmental inquiry has been initiated against the applicant and an order "putting him off the duty" has been passed, as it is obvious ~~as~~ from Ann.A/1. Since a departmental inquiry has been initiated against the applicant and there is a provision of putting off from duty, the applicant cannot be forced upon the employer by an order of reinstatement. There is no merit in the case of the applicant. It was urged by the learned counsel for the applicant that no subsistence allowance is being paid to the applicant for the 'putting off' period.

4. This OA is finally disposed of with the direction that the respondents shall make the ex-gratia payment, as contemplated in the relevant rule from the date it came into force. Regular payment on monthly basis shall be made by the 10th day of every succeeding month. The arrears ~~are~~ upto 28th February, 2002 shall be paid upto 15th March, 2002. No order as to costs.


(A.P. NAGRATH)
MEMBER (A)


(JUSTICE O.P.GARG)
VICE CHAIRMAN

...

N.L.

Part II and III destroyed
in my presence on 3.7.07
under the supervision of
Second Officer (as per
order dated 24.12.02)

Second Officer (Record)

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on 4/3
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