

I/6

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 188/2004

Date of order: 12.04.2005

CORAM:

**THE HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN
THE HON'BLE MR. G.R. PATWARDHAN, ADM. MEMBER**

Jeev Raj Panwar S/o Sh. Ramnath Ji, by caste Panwar, aged about 52 years, resident of Village & Post Giri, Dist. Pali (Rajasthan) Presently working as GDS BPM (Gramin Dak Sevak Branch Postmaster) Rendri, Sojat Road, Dist. Pali Marwar.

....Applicant.

Mr. K.S. Yadav with Mr. K.K. Maharshi
Advocate for the applicant



V E R S U S

1. Union of India, through the Secretary, Ministry of Communication, Department of Post Offices, Dak Bhawan, New Delhi.
2. The Post Master General, Department of Post Offices, Jodhpur.
3. The Superintendent of Post Offices, Pali Division, Pali Marwar.

.....Respondents

Mr. Vinit Mathur, Advocate for the respondents.

O R D E R
BY MR. KULDIP SINGH, VICE CHAIRMAN

This Original Application has been filed by the applicant seeking following reliefs:

- (i) to pay the arrears of full pay allowances/ex-gratia payment w.e.f. 24.11.70 to 6.11.2003 alongwith interest @ 12% PA from the day as and when the same became due.
- (ii) To give the benefits of annual grade increments etc. and to fix the payments of salary after such fixation.
- (iii) To grant the benefit of seniority by showing the name of applicant in the seniority list at appropriate place.
- (iv) The cost of the application along with any other relief, which this Hon'ble Tribunal deems fit, just and proper in favour of the applicant, may kindly be granted."

[Signature]

II/3

2. The facts as apprised by the applicant in brief are that while the applicant was working on the post of EDBPM in the Post Office Giri via Sendara, he was ordered to put Off duty (suspension) vide order dated 24.11.1970. The applicant filed O.A., which was allowed vide order dated 25th July, 2003. Now the applicant has grievances that once the charge-sheet has been quashed and he has been taken back on duty, the department was liable to release him the entire arrears of salary with full pay allowances/ex-gratia payment etc but the same has not been released. The learned counsel for the applicant has also stated that under Rule 12 of the Postal Gramin Dak Sevak Rules, (hereinafter referred as Rules) wherein it has been provided that in the event of a Sevak being exonerated, he shall be paid full admissible allowance for the period of put-off duty. In other cases, such allowances for the put-off duty can only be denied to a Sevak after affording him an opportunity and by giving cogent reasons. The applicant has also made a representation vide Annexure A/3 by Speed Post for seeking the same. The leaned counsel for the applicant also submits that Note under Rule 12 says that the period of putting a Sevak off his duty including the period of deemed putting him off his duty shall be decided by the Competent Authority after de novo proceedings in this regard are finalized and compensation as ex gratia payment for the concerned period shall be regulated according to provisions of sub-rule 3. This postulates a duty upon the respondents to pass an order after exoneration by competent authority to decide about the period of put-off duty.

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In this case no order has been passed by the department so far despite the representation at Annexure A/3. Thus, the O.A. can be disposed of with a direction to pass such order.



3. In view of the observation made above, the Original Application deserves to be allowed and the respondents are directed to pass a speaking order to decide the period of put-off duty and also to decide as to how much allowances/salaries are to be paid to the applicant. If the applicant feels any grievances, thereafter, he will be at liberty to approach this Tribunal again.

→
(G.R. Patwardhan)
Administrative Member

→
(Kuldip Singh)
Vice Chairman

kumawat

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Given and acknowledged
in my presence on 9/11/2013
under the superintendence
of a section officer, and in
order dated 18/11/2013

Section officer (Record)

6/11/13

R1 C17
19/4/13