IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR

OA 60/2011

Dated this the 4th day of April, 2011

CORAM

HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER

Pancha Ram Bishnoi S/o Shri Amlu Ram,
Aged about 48 years, b/c Bishnoi, R/o
Dholabala, Tehsil Phalodi, Dist. Jodhour
Office Address: SPM (under suspension)
Phalodi Sadar Post office. ....Applicant

(By Advocate Mr. S.P.Singh)

Vs.

1. Union of India, through the Secretary,
Government of India, Ministry of Communications,
Department of Posts, Dak Tar Bhavan,
New Delhi.

2. The Chief Post Master General,
Rajasthan Circle, Jaipur 302007.

3.The Director, Post Maser General,
Western Region, Jodhpur.

4.Sr.Superintendent of Post Offices,
Jodhpur Division, Jodhpur. ...Respondents

(By Advocate Mr. M. Godara proxy counsel for Advocate Vinit Mathur)

ORDER

The applicant Pancha Ram Bishnoi, Sub Post Master, Phalodi Sadar Post Office (under suspension) has preferred this Original Application for grant of following reliefs:

"(i) That the impugned order vide Memo No.F9-1/09-10/Ch.II dated 3/9-9-2010 (Annexure.A.1) and F.9-1/09-10 dated 8.6.2009 forwarded by Respondent No.4 may kindly be declared illegal, unjust and deserves to be quashed and set aside.

(ii) By writ, order or direction the respondent may kindly be directed to allow the applicant to join his duty and to pay all consequential benefits to the applicants.

(iii) That any other direction or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

(iv) That the costs of this application may be awarded to the applicant."

2. The brief facts of the case are as follows.

Applicant while posted at Phalodi Sadar Post Office as Sub Post Master a fraud was committed and the applicant along with one Pancha Ram and some other officials were identified as subsidiary offender and accordingly a charge sheet was issued. The case was handed over to CBI and in this regard a FIR was also lodged on 9.6.2009. On the basis of the charge memo issued by the Department, the applicant was suspended vide Office Order dated 8/6/2009(Annexure.A2) which was reviewed by the Review Committee time to time but no office order of extension of suspension period was issued in this regard. However, on 3/9.9.2010 an office order for extension of period of suspension was issued. The applicant has challenged the said Office Order dated 3/9.9.2010 (Annexure.A1) whereby his period of suspension was extended for next 180 days on the ground that the said order is not in accordance with law.

3 The main contention of the applicant is that the respondents have failed to pass any order after reviewing the impugned order of suspension within the period of 90 days as required under Sub Rules 6 & 7 of Rule 10 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 (hereinafter called as CCS (CCA) Rules, 1965), as such the order under challenge are invalid. It is stated that the applicant has preferred an appeal for revoking his suspension but no action was taken and as such he has filed this Original Application.

4. On filing of the OA notices were issued to the respondents and in compliance of the notices, respondents appeared before this Tribunal through lawyer and filed reply of the OA.

5. During the hearing of this OA both the lawyers have agreed that this O.A is fully covered under the order dated 25.1.2011 passed in OA 225/2010 alongwith OA 226/2010 as such similar order can be passed in this OA also.

6. From perusal of the order dated 25.1.2011 passed in OA 225/2010 along with OA 226/2010 I find that the above mentioned two O.As were allowed on the ground that the impugned suspension orders whereby the period of suspension was further extended for a period of 90 days was passed beyond the statutory period of 90 days which was in violation of Rule 10 Sub Rules 6 & 7 of CCS (CCA) Rules, 1965. Similar mistakes have been committed by the authorities in this case also and as such I am of the view that similar order can be passed in this case also which has been passed in OA No. 225/2010 alongwith OA 226/2010. Accordingly this O.A. is

10 Sub Rules 6 & 7 of CCS (CCA) Rules, 1965. Similar mistakes have been committed by the authorities in this case also and as such I am of the view that similar order can be passed in this case also which has been passed in OA No. 225/2010 alongwith OA 226/2010. Accordingly this O.A. is allowed and it is ordered that the impugned order dated 8.6.2009 (Annexure. A.2) whereby the applicant has been put under suspension and the subsequent order dated 3/9.9.2010 (Annexure.A1) whereby his period of suspension was extended for a further period of 180 days are hereby quashed and set aside. Respondents are directed to allow the applicant to join his duty and grant all consequential benefits to the applicant. It is also observed that the respondents should conclude the departmental enquiry initiated against the applicant preferably within a period of four months from the date of receipt /production of this order. In the circumstances of the case, there will be no order as to costs.

Dated this the 4th day of April, 2011

JUSTICE S.M.M. ALAM
JUDICIAL MEMBER

Ks.