

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 532 OF 2013

Tuesday, this the 27th day of October, 2015

CORAM:

HON'BLE Mr. JUSTICE N.K. BALAKRISHNAN, JUDICIAL MEMBER
HON'BLE Mrs. P. GOPINATH, ADMINISTRATIVE MEMBER

K. Sujatha, W/o. Ramachandran,
Gramin Dak Sevak Branch Postmaster,
Malamalkavu Brach Post Office,
Ottapalam Division. Residing at :
"Sumangali", Malamalkavu – 679 504.

- Applicant

(By Advocate Mr. Shafik M.A.)

Versus

1. Union of India represented by Director General,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 033.
3. The Superintendent of Post Offices,
Ottapalam Division, Ottapalam – 679 101.
4. The Assistant Superintendent of Post Offices,
Pattambi Sub-Division, Pattambi – 679 303. - Respondents

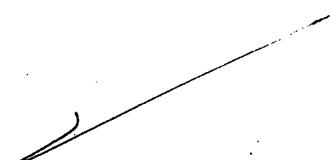
(By Advocate Mr. N. Anil Kumar, Sr. PCGC)

The application having been heard on 27.10.2015, the Tribunal on the same day delivered the following:

ORDER (Oral):-

Justice N.K. Balakrishnan, Judicial Member

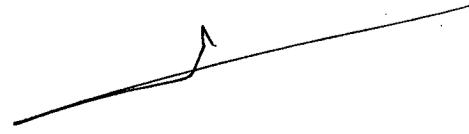
This Original Application has been filed challenging the order passed by the respondents as per which the applicant was kept under "put off" duty based on the alleged irregularity in RPLI Accounts and for a direction to reinstate the applicant. The applicant was placed under "put off" duty with effect from 06.11.2012 stating that a fraud was committed by the applicant to the tune of Rs. 40,000/-. That was denied by the applicant.



2. Learned counsel for the applicant submits that the applicant is quite sure that the charge leveled against her is groundless but however the enquiry has not been completed. So many aspects have been pointed out by the learned counsel in support of the submissions that the allegation against the applicant are unsustainable. Learned counsel for the respondents refuted the same. After hearing the submissions, we find that now it is unnecessary to go into the correctness or otherwise the allegations and counter allegations.

3. Admittedly, applicant has been placed under "put off" duty with effect from 06.11.2012. Though charge was laid against the applicant, inquiry has not been completed and final decision has not been arrived at so far. More than 2½ years lapsed after the applicant was placed under "put off" duty. Learned counsel for the applicant submits that the enquiry is almost complete. It is further submitted that the applicant cannot be indefinitely placed under "put off" duty on the premise that the enquiry is pending.

4. The applicant was Branch Postmaster; hence according to the learned counsel for the respondents, it is not feasible to reinstate the applicant as BPM since there will be resentment from the public. Learned counsel for the applicant submits that only on some surmises or suppositions applicant cannot be placed under "put off" duty indefinitely. In order to ascertain whether any vacant post equivalent to BPM is available so as to post the applicant in any of those posts in the nearby Post Offices, the official respondents were asked to ascertain; then it is stated that there is a post of GDSMD at Kalladathur which is 19 kms away from the residence of the applicant. It is stated that there is another post of GDSMD at Othalur, to which according to the respondents, there are transfer requests of Officials, pending against the said post.



5. Considering all these aspects we dispose of this Original Application as follows:

The respondents are directed to complete the disciplinary enquiry and a final order shall be passed on the same within 2½ months from today. If the enquiry is not completed and a final order is not passed within that time, the respondents shall post the applicant as GDSBPM or in any other equivalent post carrying the same pay, at Othalur, Kalladathur or in any other place, within a reasonable distance from the place of residence of the applicant. Such posting shall be done within 20 days from the date of expiry of the time fixed for completion of enquiry as first stated above.

6. The Original Application is disposed of accordingly. No order as to costs.

(Dated, the 27th October, 2015.)



(P.GOPINATH)
ADMINISTRATIVE MEMBER



(N.K. BALAKRISHNAN)
JUDICIAL MEMBER

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