

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 594 of 1996.

Friday this the 31st day of May, 1996.

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

T.R. Vijayan,  
Extra Departmental Delivery Agent,  
Karuvarakundu P.O.,  
residing at: Krishna Vilasam House,  
Tuvvur P.O., Manjeri (Via)  
Malappuram District. .. Applicant

(By Advocate Shri M. Paul Varghese)

Vs.

1. Sub Divisional Inspector of Post Offices, Perinthalmanna Sub Division, Perinthalmanna- 679 322.
2. Superintendent of Post Offices, Manjeri Division, Manjeri.
3. Director of Postal Services, Northern Region, Calicut-673 011.
4. Post Master General, Northern Region, Calicut -673 011.
5. Director General, Department of Posts, Government of India, New Delhi.

.. Respondents

(By Advocate Shri M.H.J. David J., ACGSC)

The Application having been heard on 31st May 1996,  
the Tribunal on the same day delivered the following:

O R D E R

An Extra Departmental Agent who was 'put off' and reinstated after six years, claims pay and allowances for the period of 'put off'. Under the Fundamental Rules or similar State Rules, an official under suspension is given subsistence allowance. Perhaps one unconscionable exception to this general rule is that of Extra Departmental Delivery Agents. We have seen several cases coming before us including cases where eventually only a minor penalty is imposed, where Extra Departmental Agents have been kept under suspension for long years, thus depriving them of their livelihood. We had occasion to highlight this aspect, also pointing out the potential for abuse lurking in the rule. Be that as it may, as the law now stands, there is no provision for payment of wages to applicant during the period of suspension/'put off'.

2. However, it is noticed that officers at the level of Sub Divisional Inspectors flout with impunity the orders of the Director General to the effect that 'put off' should not exceed 45 days(Director General, Posts, Lr.No.294/90-(E)1 Trg. dated 26th July 1990, printed in Swamy's Compilation of Service Rules for Extra Departmental Staff in Postal Department, 6th Edition 1995). The Head of the Department at least owes it to himself to ensure that his orders, that too on a very important matter are not ignored without any consequence, by the subordinate officials of his department. Applicant may make a representation to the Director General(5th respondent) highlighting his grievances in this regard and the Director General shall pass a speaking

order on the representation. He will also consider whether disciplinary action should be instituted against the Sub Divisional Inspector who kept an employee under suspension for long years in the face of the circular aforementioned.

3. Standing counsel submits that he will forward a copy of the Original Application and a copy of this order to 5th respondent for compliance. We record the submission.

4. Application is disposed of as aforesaid. No costs.

Dated, the 31st May 1996.



CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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