

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.173 OF 1999

Wednesday this the 10th day of February, 1999.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

M.P.Abraham S/o Paili,
Extra Departmental Branch Postmaster
(Under order of put off),
Nooranthodu Branch Office,
Puduppadi-673 586,
residing at Manayathukudi House,
Kakkadu PO, Puduppadi (Via)
Pin.673586, Calicut District.

...Applicant

(By Advocate Mr. M.R.Rajendran Nair)

Vs.

1. The Sub Divisional Inspector (Postal)
Kunnamangalam Sub Division,
Kunnamangalam-673 571.
2. The Senior Superintendent of Post
Offices, Calicut Division,
Calicut-673 002.
3. The Director of Postal Services,
Calicut.

....Respondents

(By Advocate Mr. T.A.Unnikrishnan, ACGSC)

The application having been heard on 10.2.99, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

Applicant, an Extra Departmental Branch Post Master under put off duty has filed this application challenging the order dated 3.6.98 (A.1) issued by the 1st respondent putting him off duty in exercise of powers conferred by Rule 9(1) of the P&T E.D.Agents (Conduct and Service) Rules, 1964 and the order dated 11.6.98 (A2) of the second respondent ratifying the A.1 order. The applicant has averred that no disciplinary proceedings as such has so far been initiated against him, that the investigation so far held would make clear that the applicant is not involved in any fraudulent

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activity and that the prolonged put off duty is wholly unjustified. The applicant is therefore, seeking to have the A.1 and A2 orders set aside declaring that the prolonged put off duty of the applicant without issuing any charge sheet is illegal and for a direction to the respondents to reinstate the applicant in service. After the A2 order was issued finding that no disciplinary proceedings had been initiated against him and that he is being continued on put off the applicant had made a representation /appeal (A6) to the Post Master General. But he was informed by A4 and A5 orders that an appeal against the order of put off duty lie only to the Director of Postal Services (third respondent).

2. When the application came up for hearing, learned counsel Shri T.A.Unnikrishnan, Addl.Central Govt.Standing Counsel appeared for the respondents. The counsel on either side agreed that the application may be disposed of directing the third respondent to consider the appeal submitted by the applicant (A6) addressed to the Post Master General, as the third respondent is competent authority in the matter. They also agree that the third respondent may be directed to dispose of the appeal as early as possible atleast within a period of three weeks.

3. In the light of the above submission by the learned counsel on either side, the application is disposed of directing the third respondent to treat the A6 representation/appeal as one made to him by the applicant and to consider the matter in the light of the facts and circumstances with reference to the rules and instructions on the subject and to give the applicant an appropriate

order within a period of three weeks from the date of receipt of a copy of this order. If A6 representation/appeal is not readily available with the third respondent, it is directed that the copy available in the original application with the respondents shall be made use of for the purpose. There is no order as to costs.

Dated the 10th day of February, 1999.


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A1: True copy of the Memo No.80/51/98 dated 3.6.98 issued by the 1st respondent to the applicant.
2. Annexure A2: True copy of the Memo No.F1/1/98-99 dated 11.6.98 issued by the 2nd respondent to the applicant.
3. Annexure A4: True copy of the letter No.879 dated 7.1.99/20.1.99 issued by the 2nd respondent to the applicant.
4. Annexure A5: True copy of the letter No.Staff/30-Misc/98 dated 28.1.99 issued by the Assistant Director(S), Office of the Postmaster General, Northern Region, Kerala Circle, Calicut.
5. Annexure A6: True copy of the representation/appeal dated 23.12.98 submitted by the applicant to the Postmaster General, Northern Region, Calicut together with the english translation of the same.

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