

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No.248/95

Wednesday this the 15th day of March, 1995.

CORAM:

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

HON'BLE MR.S.P.BISWAS, ADMINISTRATIVE MEMBER

E.Abdul Rahiman Kunju,
Extra Departmental Packer(Put off duty)
Clappana Sub Post Office,
Clappana.

.. Applicant

(By Advocate Mr.O.V.Radhakrishnan)

vs.

1. Sub Divisional Inspector of Post Offices,
Karunagappally Sub Division, Karunagappally.
2. Senior Superintendent of Post Offices,
Kollam Postal Division, Kollam.
3. Union of India, represented by its Secretary
Ministry of Communications, New Delhi. .. Respondents

(By Advocate Mr.Saji Varghese for Mr.P.R.R.Menon)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant challenges Al order by which he was 'put off duty' under Sub rule 1 of Rule 9 of Posts & Telegraphs E.D.Agents (Conduct & Service) Rules, 1964. Ms.Bineetha, learned counsel for applicant submitted that an official can be 'put off ' in terms of the Rule, only if an enquiry is 'pending' . There is no enquiry 'pending', though perhaps an enquiry might have been contemplated, submits learned counsel. She supported her contentions with authority and relied on the decision of this Tribunal in Velayudhan Pillai vs. Chief Post Master General and others, 1994(28)ATC,690.

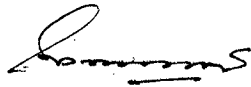
Standing counsel submits that the charges are very grave and that it is necessary to 'put off' the applicant. The gravity of the charges or the opinion one may entertain regarding its gravity is

alien to the context. Respondents can act only within the authority granted to them. On the language of the rule the contention of learned counsel for applicant has to be upheld. When 'put off' is permitted only 'pending enquiry' and where there is no enquiry 'pending', an employee cannot be 'put off' in exercise of assumed powers not conferred by the Rules.

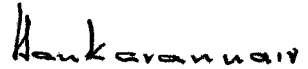
We quash AI and allow the application and declare that all consequences flowing from AI will cease to be in force, more so when the issue stood concluded by the decision cited.

Respondents will pay Rs.500/- (Rupees Five Hundred only) as costs to applicant.

Dated the 15th March, 1995.



S.P. BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN