

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ERNAKULAM BENCH**

**Original Application No. 257 of 2008**

**Tuesday, this the 1st day of April, 2009**

**CORAM:**

**Hon'ble Mr. George Paracken, Judicial Member**  
**Hon'ble Ms. K. Noorjehan, Administrative Member**

Mathew M. Kottaram, S/o. Mathew,  
 Aged 40 years, Gramin Dak Sevak Sub Post Master,  
 Kozha (under put off), residing at Kottarathil House,  
 Kozha P.O., Pin-686640, Kottayam. ....

**Applicant**

**(By Advocate – Mr. M.R. Hariraj)**

**V e r s u s**

1. Union of India, represented by the Secretary,  
 Ministry of Communications, Department of Posts,  
 New Delhi.
2. Senior Superintendent of Post Offices, Kottayam  
 Division, Kottayam.686001. ....

**Respondents**

**(By Advocate – Mr. George Joseph, ACGSC)**

The application having been heard on 1.4.2009, the Tribunal on the same day delivered the following:

**ORDER**

**By Hon'ble Mr. George Paracken, Judicial Member -**

The applicant has filed this OA for (i) to quash the Annexure A-2 letter dated 5.3.2007 by which the 2<sup>nd</sup> Respondent has placed him under put of duty in terms of provisions of Rule 12(1) of Gramin Dak Sevaks (Conduct & Employment) Rules, 2001, (ii) to quash the Annexure A-5 letter dated 2.6.2008 by which the 2nd respondent reviewed the amount of ex-gratia compensation payable to the applicant on 12.6.2007 and held that it was not necessary to increase or decrease the existing amount being paid to him. By the said letter he was also informed that his representation dated 5.5.2008 (R-3) for increase in subsistence allowance was considered and



decided to increase the same by 10% with effect from 1.6.2008, (iii) to direct the respondents to (a) reinstate him in service forthwith, (b) to the respondents to pay him the subsistence allowance without effecting recoveries from him from the date of suspension till date of reinstatement and pay arrears of such amount with interest of 18% per annum and (c) to pay him the bonus for the year 2006-07 with interest @ 18%.

2. The respondents in their reply has submitted that the complaint against the applicant was non-delivery of Ernakulam North PO value payable letter No. A 877 dated 17.7.2006 for Rs. 190/-, Value payable letter No. 81 dated 3.7.2006 for Rs. 600/- and Value payable letter No. 125 dated 24.1.2006 for Rs. 915/- from M/s. Law Book Shop, Ernakulam through SSPOs, Ernakulam Division. Detailed inquiries were carried out by SSPOs Kottayam Division through Inspector of Post Vaikom Sub Division. Investigation made by Inspector of Posts, Vaikom revealed that though the Value payable letters were delivered through Kozha Extra Departmental Sub Office, the amount collected from the addressee of Value payable letter No. A 877 and Value payable letter No. 81 was not credited into Government account by Shri Mathew. M. Kottaram, GDSSPM, Kozha. Amount collected from the addressee of Value payable letter No. 125 dated 24.1.2006, which was received at Kozha EDSO on 28.1.2006, was found credited only after 9 months i.e. On 13.11.2006. For the above lapses, the applicant was placed under Put off Duty vide SSPOs, Kottayam Division Memo No. F1/01/2006-2007 dated 5.3.2007 and he was granted admissible ex-gratia allowance with effect from the date of Put Off Duty vide SSPOs, Kottayam Division Memo No. F1/01/2006-2007 dated 22.3.2007. His Put of Duty was reviewed after 90 days as per existing rules on the subject and it was decided to continue his Put off Duty as past work verification of the office could not be completed due to reason attributable to the applicant. His ex gratia allowance also was subjected to review and it was decided not to enhance the ex-gratia allowance. However, ex-gratia allowance was enhanced by 10% on 2.6.2008 during subsequent review. In the meantime the applicant submitted a representation requesting for his reinstatement on

5.5.2008. Since past work verification of the applicant and preliminary inquiries were yet to be completed due to reasons attributable to the applicant, it was decided to continue his Put off Duty. The respondents have also explained that for the same reason, charge sheet could not be issued to the applicant within the stipulated period. They have also refuted his contention that the recoveries towards Co-operative Society dues, Welfare Fund and Union dues were being made from the ex-gratia allowance being paid to him and stated that it is evident from Annexure A-3 pay slip that the said dues are out of account and are optional deductions, whereas the only compulsory deduction was Rs. 10 towards CGEGIS. Accordingly, the applicant was given acquittance for Rs. 1,277/-.

3. The learned counsel for the respondents has also submitted that during the pendency of this OA charge sheet has already been issued to the applicant on 9.12.2008 and the inquiry is in the process.

4. We have heard learned counsel Mr. P.A. Kumaran for the applicant and learned counsel Mr. George Joseph, ACGSC, for Respondents. Rule 12 of Gramin Dak Sevak (Conduct &) Rules, 2001 relates to put of duty. Sub Rule (3) of the same deals with the compensation as ex gratia payment and it is reproduced below:

"(3) A Sevak shall be entitled per month for the period of put-off duty to an amount of compensation as ex gratia payment equal to 25% of his/her Time Related Continuity Allowance together with admissible Dearness Allowance:

Provided that where the period of put-off duty exceeds 90 days, the Appointing Authority or the authority to which the Appointing Authority or any other authority empowered in this behalf, as the case may be, who made the order of put-off duty shall be competent to vary the amount of compensation for any period subsequent to the period of first 90 days as follows:

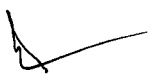
(i) The amount of compensation as ex gratia payment may be increased by a suitable amount, not exceeding 50% of such compensation admissible during the period of the first 90 days, if in the opinion of the said authority the period of put-off duty has been prolonged, for reasons to be recorded in writing, not directly



attributable to the Sevak.

(ii) The amount of compensation as ex gratia payment may be reduced by a suitable amount not exceeding 50% of such compensation admissible during the first 90 days, if in the opinion of the said authority, the period of put-off duty has been prolonged due to reasons to be recorded in writing directly attributable to the Sevak."

5. We agree with the contention of the respondents' counsel that periodical review of the ex-gratia being paid to the applicant has been duly made in accordance with provisions of the aforesaid rules. It was because of the fact that the past verification work could not be completed, the Respondents were not in a position to issue him the charge within the stipulated period of 45 days. It was the Respondents' finding that the delay has occurred in this regard for the reasons attributable to the applicant in as much as that he has not been maintaining some of the records and not maintaining other record, in a proper manner. Hence, we do not find any reason to interfere with the decision of the competent authority not to enhance the subsistence allowance after the expiry of 3 months from the date of issuance of the order putting him off duty. However, later it was enhanced by 10% vide order dated 2.6.2008 (A-5) effective from 1.6.2008. In the above facts and circumstances of the case there is no question of reinstatement of the applicant pending inquiry. The only direction that can be given to the Respondents is that the disciplinary proceedings now initiated against the applicant shall be completed within six months from the date of issue of the charge sheet provided the applicant fully cooperate with the inquiry. The respondents shall also undertake the similar reviews of the case periodically and take appropriate decisions as to whether the ex-gratia being paid to the applicant is to be enhanced or not. As regards the recoveries being made from the Applicant's ex-gratia payment is concerned, the Respondents have clarified that only Rs. 10/- towards CGEGIS is made compulsorily from the ex-gratia payment and all other deductions are optional. The applicant has also not produced any rule, instructions or decision of the Court acceding to which a GDS on put off duty is entitled to bonus.



6. We, therefore, do not find it appropriate to grant the reliefs sought by the Applicant in this OA. It is, therefore, disposed of with the aforesaid directions. No order as to costs.

  
(K. NOORJEHAN)  
ADMINISTRATIVE MEMBER

  
(GEORGE PARACKEN)  
JUDICIAL MEMBER

“SA”