

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.299/93

Date of decision: 27-7-1993

Applicant:

Shri MD Mathew, Maniyaril House,  
Kampatti B.O., Thalappuzha.

Advocate for the applicant:

Shri KS Bahuleyan.

**Versus**

Respondents:

1. The Superintendent of Post Offices,  
Tellicherry Division, Tellicherry.
2. The Postmaster General, Northern Region,  
Calicut.
3. Union of India, Secretary,  
Ministry of Communications,  
New Delhi.

Advocate for respondents:

Shri PN Purushothama Kaimal, ACGSC.

C O R A M

The Hon'ble Mr Justice Chettur Sankaran Nair,  
Vice Chairman,

and

The Hon'ble Mr R Rangarajan, Administrative Member.

J U D G E M E N T

Chettur Sankaran Nair (J), Vice Chairman.

Applicant seeks to quash Annexure A1 order, by which he was removed from service. Annexure A1 followed Annexure A1(a) judgement setting aside a penalty imposed on applicant, permitting a fresh enquiry.

contd.....

2. During the pendency of this application, the appellate authority set aside Annexure Al, by Annexure R1-A order, remitting the matter to the disciplinary authority, also stating that applicant will be "deemed to be put off duty". He cannot be "deemed to be put off duty" after he was reinstated pursuant to orders of this Tribunal, Annexure Al(a). From the date of Annexure Al(a) till the date of Annexure R1-A, applicant was in service and there can be no deeming fiction, by which it could be deemed otherwise. We are unhappy about the improper manner in which this direction was made in Annexure R1-A. Applicant will be treated as on duty between the dates of Annexure Al(a) and Annexure R1-A and will be paid the remuneration due. However, from the date of Annexure R1-A, he will be 'put off'.

3. The enquiry will be completed within six weeks from today and final orders passed. If it is not done within this period, considering the long delay involved, enquiry proceedings will stand quashed and applicant will stand reinstated.

4. Application is allowed. No costs.

Dated the 27th July, 1993.

  
R. RANGARAJAN  
Administrative Member

  
CHETTUR SANKARAN NAIR (J)  
Vice Chairman

LIST OF ANNEXURES:

Annexure A1 Copy of memo No.F5/9/85 dated 31.3.1992.

Annexure A1(a) Copy of judgement dated 21.9.90 in OA 478/89.

Annexure R1-A Copy of memo No.Staff/30-31/92 dated 19.3.93 of DPS, Calicut.

.....