

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.337/2002.

Wednesday this the 26th day of June 2002.

CORAM:

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

J.Jayachandran,, EDDA (Put off)
Plamootukada EDSO,
Thiruvananthapuram South Division-695128,
residing at: Planthottathil Puthen Veedu,
Kulathoor, Uchakada P.O. Applicant

(By Advocate Shri Vishnu S.Chempazhanthiyil)

Vs.

1. Sub Divisional Inspector of Post Offices, Neyyattinkara Sub Division, Neyyattinkara.
2. Assistant Superintendent of Post Offices and Enquiry Officer, East Sub Division, Peroorkada, Thiruvananthapuram-5.
3. Director of Postal Services, Southern Region, Office of the CPMG, Kerala Circle, Thiruvananthapuram.
4. Chief Postmaster General, Kerala Circle, Thiruvananthapuram.
5. Union of India, represented by its Secretary, Ministry of Communications, New Delhi. Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 26th June, 2002 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

This application is filed by Shri J.Jayachandran, an Extra Departmental Delivery Agent, (EDDA for short) who has been put off duty since 16.9.99. His grievance is that, even after two and a half years of the order putting him off duty, the contemplated disciplinary proceedings have not been concluded thereby causing deprivation of his livelihood.

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2. When the matter came up for admission, Shri C.Rajendran, learned Senior Central Government Standing Counsel has pointed out that the enquiry officer in this case is on leave for 57 days and that, as soon as he comes back, the enquiry would be completed.

3. Shri Vishnu S.Chempazhanthiyil learned counsel of the applicant has brought to our notice the communication dated 26.7.90 (Annexure A-3) from the Director General of Posts containing the guidelines with regard to put off duty. The need to expeditiously dispose of pending action against the EDDAs on put off duty has been emphasized in the guidelines and necessary mechanism to report delays in concluding the case has been evolved in the said guidelines. Of particular importance is the observation that the disciplinary authority should endeavour to finalize the disciplinary proceedings and pass final orders, so that, an EDDA does not remain on put off duty for a period exceeding 45 days and not 120 days as ordered previously. It has been made obligatory on the part of the authorities concerned to furnish full material to justify any delay in the matter of completion of the proceedings. Further, any order of put off duty made by an authority lower than the appointing authority, should be brought to the notice of the appointing authority which should confirm or rescind an order within a period of 15 days of its receipt failing which the orders of put off duty should be deemed to have been revoked ipso facto. Shri Vishnu has also brought to our notice the subsequent communication dated 14.9.1994 from the Director General of Posts in which certain seriously adverse observations made by the Central Administrative

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Tribunal, Ernakulam Bench in its judgement in O.A.1088/92 dated 23.3.1994 and the need to scrupulously observe Annexure A+3 guidelines have been reiterated. The learned counsel, therefore, would press for appropriate relief by way of reinstatement of the applicant in view of the grave delay of more than two and half years in the instant case.

4. The learned Central Government Standing Counsel has fairly conceded that as the matter required urgent attention and the enquiry which is in progress, would be concluded very shortly.

5. It is agreed on both sides that the O.A. can be disposed of with suitable directions.

6. After carefully considering the facts and circumstances of the case, we observe that, a lot of injustice has been caused to the applicant because of the inordinate delay in concluding the enquiries against him on account of which he has been put off duty. There appears to be no defence as far as the respondents are concerned in this regard, since it is totally against the avowed principle of expeditious disposal of disciplinary proceedings contained in the A-3 guidelines which have been reiterated by the respondents, after seriously adverse observations were made by the Tribunal vide DG Posts Communication dated 14.9.94 extracted at page 60 of SWAMY's book on EDA (Conduct & Service) Rules. Having regard, however, to the submission made by the learned SCGSC, we consider it fair to direct the respondents to take immediate steps to conclude the enquiries, in any case, not later than three months from the date of receipt of a copy of this order. Accordingly, we do so.

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7. It is made clear that, if the respondents fail to comply with the directions keeping in view the observations with regard to put off duty which this Tribunal has made in its order in O.A.1088/92 referred to above and to which the respondents themselves have been rightly responsive vide their own circular dated 14.9.94, the applicant herein shall be reinstated immediately on expiry of the said period with all consequential benefits, without prejudice, however, to the respondents' liberty to take any further action which they deem fit in pursuance of the disciplinary proceedings.

8. The application is disposed of accordingly. There is no order as to costs.

Dated the 26th June, 2002.


K.V. SACHIDANANDAN
JUDICIAL MEMBER


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the memo No.EDA/Plamootukada dtd.16.9.1999 of the 1st respondent.
2. A-2 : True copy of the Chargesheet bearing memo No.ADA/II/ASP/ DN dtd.30.6.2000 of the Superintendent of Posts Offices,
3. A-3 : True copy of the letter No.294/90-(E) 1 Trg. dtd.26.7.90 issued by the Director General, Posts.
4. A-4 : ^{Tvm South Division, Trivandrum} True copy of memo No.IND/Misc.(Pt) dtd. 24.1.2000 of the Superintendent of Post Offices, Tvm South Division, Trivandrum.
5. A-5 : True copy of the representation dtd.17.10.2001 to the 3rd respondent.

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