

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.376/2002

Monday this the 1st day of July, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

P.Surendran, aged 38 years,
S/o Paulose, EDDA (put off duty)
Parandode PO, Via.Aryanad,
residing at Valiamala Puthen veedu,
Cherapally, Aryanad.

...Applicant

(By Advocate Mr.Vishnu S.Chempazhanthiyil)

V.

1. Sub Divisional Inspector of
Post Offices, Nedumangad.
 2. Superintendent of Post Offices,
South Postal Division,
Thiruvananthapuram.
 3. Chief PostmasterGeneral,
Kerala Postal Circle,
Thiruvananthapuram.
 4. Union of India, represented by
its Secretary, Ministry of Communications,
New Delhi.
- ..Respondents

(By Advocate Mr. C.Rajendran, SCGSC)

The application having been heard on 1.7.2002, the
Tribunal on the same day delivered the following:

O R D E R

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

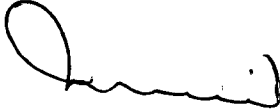
The applicant, an Extra Departmental Delivery Agent (under put off duty) has filed this application under Section 19 of the Administrative Tribunals Act impugning the order dated 22.5.2002 (A3) of the first respondent putting him off duty. It is alleged in the application that during the years 2000-2001 he was under put off duty, that he was reinstated thereafter awarding a penalty, ^{and} that the successive put off duty is arbitrary and irrational. With these allegations he seeks to have the impugned order set aside.

.2.

2. Shri C.Rajendran, learned Sr.Central Government Standing Counsel on instructions from the respondents states that a charge sheet is being issued to the applicant for temporary misappropriation of amount due under money order payable to one R.Sukumaran, that the issue of charge-sheet was delayed as the department was awaiting receipt of report from the finger print expert, which has since been received and that since the applicant is to be proceeded against for the allegation of grave misconduct involving moral turpitude, the Tribunal may not interfere with the put off duty.

3. We have heard the learned counsel on either side. We are of the considered view that in view of the background in which the applicant has been put off duty, the action of the respondents cannot be faulted and that there is nothing in this application which call for its admission and further deliberation. Hence the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 1st day of July, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER
(s)


A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the letter No.294/90-(E) 1.Trig. dtd.26.7.90 issued by the Director General, Posts.
2. A-2 : True copy of the charge report dtd.8.5.2002 issued by the Department of Posts.
3. A-3 : True copy of memo No.SDI/14/Parandode dtd.22.5.2002 of the 1st respondent.
4. A-4 : True copy of order No.F1/3/1/2001 dtd.5.7.2001 of the 2nd respondent.
5. A-5 : True copy of the petition dtd.10.7.2001 to the 3rd respondent.
6. A-6 : True copy of the appeal dtd.23.5.2002 to the 2nd respondent.

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3.7.02