

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

Original Application No.253 of 2003

Lucknow, this the 27th day of May, 2004

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri M.L.Sahni - Judicial Member

Beni Madhav Pandey aged about 45 years
son of late Ram Rangeela Pandey, resident of
Bishunpur Mahava, Branch Post Office, Itai,
Sub Post Office and Post Office Utraula,
District Balrampur, working till 2 January 2003
on the post of E.D.D.A. (Postman Gramin Dak Seva)
Branch Post Office, Itai, Utraula, District Gonda,
New District - Balrampur - APPLICANT

(By Advocate - Shri S.K.Pandey)

Versus

1. Union of India through the Secretary, Department
of Post Offices and Tele Communications,
Government of India Secretariate, Central Government,
New Delhi.
2. The Superintendent of Post Offices, Gonda Division,
Gonda, UP.
3. The Sub Division Inspector Utraula, Sub Division
Utraula/Assistant Superintendent of Post Offices
(Gonda H.Q.)271001 Joint Charge (P) Utraula.
4. The Post Master General, UP Lucknow.
5. Sri B.D.Shukla, Presently working as Assistant
Superintendent of Post Offices, Balrampur and also
A.S.P.O. Gonda and Up Mandaliya Nirikshak, Balrampur,
Gonda. - RESPONDENTS

(By Advocate - Shri P.K.Singh)

O R D E R (Oral)

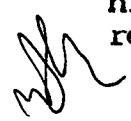
By M.P.Singh, Vice Chairman -

By filing this Original Application, the applicant
has claimed the following main reliefs -

"8(1)to issue direction or order for quashing the
impugned order dated 31.12.2002 passed by the
opposite party No.3 contained in Annexure No.1
and also quash it's consequential orders or
proceedings.

8(2)to issue direction or order declaring order
dated 31.12.2002 ineffective and illegal in
absence of confirmation under G.D.S.

8(3)to issue order or direction for directing the
opposite parties to allow the applicant to work on
his post and pay his salary and allowances
regularly every month".



2. The brief facts of the case are that the applicant was working as Gramin Dak Sevak (for short 'GDS') Mail Deliverer. He has been put off duty vide order dated 31.12.2002. Thereafter DE proceedings have been instituted against him.

3. The learned counsel for the applicant has filed M.P.No.1131/2004 stating that the applicant has received a copy of the report of the departmental enquiry dated 2.3.2004, by which neither of the two charges against the applicant could be proved. He has also stated that the applicant is still under put off duty and is only getting 25% as subsistence allowance.

4. We have perused the copy of the enquiry report dated 2.3.2004 filed by the applicant along with MP 1131/2004 on 25.5.2004, We ^{find &} found that the charges levelled against the applicant are stated not to have been proved against the applicant. Since the enquiry has already been completed and the respondents have to pass an order on the basis of the finding of the enquiry officer, we ~~deem~~ deem it appropriate to direct the respondents to take a decision and pass an appropriate orders on the findings of the enquiry officer and communicate the same to the applicant in accordance with rules and law/ within a period of six weeks from the date of receipt of a copy of this order, if the orders have not already been passed by the disciplinary authority. We do so accordingly. However, the applicant will be at liberty to approach this Tribunal if still aggrieved and so advised.

5. In the result, the OA is disposed of in the above terms. No costs.


(M.L. Sahni)
Judicial Member

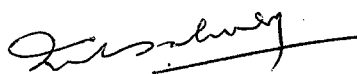

(M.P. Singh)
Vice Chairman


2. The brief facts of the case are that the applicant was working as Gramin Dak Sevak (for short 'GDS') Mail Deliverer. He has been put off duty vide order dated 31.12.2002. Thereafter DE proceedings have been instituted against him.

3. The learned counsel for the applicant has filed M.P.No.1131/2004 stating that the applicant has received a copy of the report of the departmental enquiry dated 2.3.2004, by which neither of the two charges against the applicant could be proved. He has also stated that the applicant is still under put off duty and is only getting 25% as subsistence allowance.

4. We have perused the copy of the enquiry report dated 2.3.2004 filed by the applicant along with MP 1131/2004 on 25.5.2004. We ^{find &} found that the charges levelled against the applicant are stated not to have been proved against the applicant. Since the enquiry has already been completed and the respondents have to pass an order on the basis of the finding of the enquiry officer, we ~~deem~~ deem it appropriate to direct the respondents to take a decision and pass an appropriate orders on the findings of the enquiry officer in accordance with rules and law/ within a period of six weeks from the date of receipt of a copy of this order, if the orders have not already been passed by the disciplinary authority. We do so accordingly. However, the applicant will be at liberty to approach this Tribunal if still aggrieved and so advised.

5. In the result, the OA is disposed of in the above terms. No costs.


(M.L. Sahni)
Judicial Member


(M.P. Singh)
Vice Chairman