

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION NO: 479/2003.

this, the 16th day of October 2003.

HON. MR. R.K. UPADHAYAY MEMBER(A)

HON. SMT. MEERA CHHIBBER MEMBER(J)

Devendra Kumar Verma aged about 25 years S/o Late Sri Krishna Verma, R/o Village.Jalalpur, Post Office-Jalalpur, Pargana-Paila, Tehsil-Gola Gokran Nath, District Lakhimpur Kheri.

...Applicant.

BY Advocate Shri Rajiv Dubey.

VERSUS

1. The Union of India through the Secretary, Ministry of Postal Department, Government of India, New Delhi.
2. The Superintendent of Post Offices, Lakhimpur Division, Lakhimpur Kheri.
3. The Assistant Superintendent of Post Offices, Gola Gokran Nath District Lakhimpur Kheri.

...Respondents.

BY Advocate Shri G.S. Sikarwar.

ORDER (ORAL)

BY SMT. MEERA CHHIBBER MEMBER(J)

By this O.A., the applicant has challenged the order dated 4.6.2003, by which the applicant has been placed under put off duty (Page-8).



Learned counsel of the applicant stated that the impugned order dated 4.6.2003 ^{has been issued} without assigning any reason ^{and} the applicant has been placed under put off from duty which is illegal and arbitrary. In pursuance of the impugned order dated 4.6.2003 no charge sheet has been issued to the applicant till date. On the contrary, on 9.6.2003, ^{that is} inspection was made by the respondent No. 3 and there is nothing ^{that is} has been found against the applicant therefore, he has submitted that his put off from duty order should be set aside.

2. Counsel for the respondents on the other hand submitted that the order of suspension is appealable as Rule-10 of the Service Rules of ED Staff reads as under:-

"An employee may appeal against an order putting him off duty to the authority to which the authority passing the order regarding putting him off duty is immediately subordinate."

4. Since, the applicant has not filed an appeal, therefore, this O.A. at this stage is premature as he has ^{not} exhausted the remedy available to him in accordance with law. We have heard counsel for the parties and perused the pleadings as well. Counsel for the applicant has admitted that against put off duty order, applicant has neither filed a representation, nor appeal has been filed to the authorities. Therefore, we are of the considered view, that this O.A. at this stage is premature. The same is accordingly dismissed. However, liberty is given to the applicant to prefer an appeal to the authorities against the order of put off duty by giving all the facts within a period of 15 days from the date of receipt of copy of this order. In case, applicant files ^{an} such appeal, competent authority shall decide the same by a reasoned and speaking order within a period of six weeks ^{thereafter.} No order as to costs.


MEMBER(J)


MEMBER(A)

LUCKNOW: DATED: 16.10.2003.

V.