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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
.....

Original Application No. 48 of 1991.
this the day of 3rd, May 1999.

HON'BLE MR. D.C. VERMA, MEMBER JUDICIAL.

HON'BLE MR. A.K. MISRA, MEMBER ADMINISTRATIVE.

Baldeo Prasad aged about 29 years son of,
Sri. Chhotey Lal Yadava, resident of Village,
and Post Barun, District Faizabad.

... Applicant.

By Advocate:-None.

Versus.

Union of India through its Secretary,
Department of Communication,
New Delhi.

2. The Post Master General, Uttar Pradesh,
M.G. Marg, Lucknow.

3. Sub-Divisional Inspector of Post Offices,
Faizabad (South) Sub-Division, Faizabad-
224001.

... Respondents.

By Advocate:- None.

ORDER (Oral)

BY D.C. VERMA, J.M.

The applicant Baldeo Prasad was
Extra Departmental Runner, Shahganj, Faizabad.
The applicant was appointed vide order dated
21.2.1986. As the applicant ^{was} found ^{was} absent^{ed} on
26.6.1990 and 27.6.1990 and the mails were ex-
changed by unauthorised person the applicant was

consequently 'put off' duty Under Rule-9 of EDA (Conduct and Service) Rules, 1964 (In short rules of 1964).


2. The applicant has challenged this order dated 22.12.1990. The Rule-9 of EDA (Conduct and Service) Rules, 1964 provides, put off duty during any inquiry into any complaint or allegation of misconduct against an employee. An appeal ^{per} against such an order is provided under Rule-10 of EDA (Conduct and Service) Rules, 1964. As ^{per} ~~there~~ recital in the O.A. ^{no} appeal against the order dated 22.12.1990 was ^{no} preferred by the applicant, Therefore the O.A. against the order of put off duty is pre-mature.

3. We have however considered ^{ing} the case of the applicant on merits also. As per the respondents case an enquiry was conducted against the applicant and during the cours of inquiry ^{applicant was} found absent on 26.6.1990 and 27.6.1990. Further on surprise checking of Sub-Divisional Inspector, Shahganj, Faizabad was also made and it was found that the mails had been received too late resulting in dislocation of work at Shahganj Sub-Post Office. It has been mentioned that ^{on the} earlier occasion also the applicant was warned to be more careful but ^{he} have not shown any improvement. The challenge of put-off order by the applicant is therefore, has no merits.

4. The applicant has claimed salary for the put-off period which according to Rule-9 is not admissible. The Rule-9(3) of EDA (Conduct and Service) Rules, 1964 provide " an employee ^{shall} ~~should~~ not be entitled for salary for which he has been put-off under this rule". The claim for salary is not made-out.

5. In view of the above, there is
no merits in the O.A. The same is dismissed.

6. Costs easy.


MEMBER (A)


MEMBER (J).

Dated:-3.5.99.
Lucknow.
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