

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.

Original Application No.613 of 1992.

Today, the 14th day of February, 1995.

HON. MR. JUSTICE B.C.SAKSENA, VICE-CHAIRMAN.
HON. MR. V.K. SETH, ADMINISTRATIVE MEMBER.

Udai Bhan Singh,
aged about 65 years,
S/o. Late Shri Daya Shankar Singh,
R/o. Village & Post, Dhobaha Rai,
Distt. Gonda. :::: Applicant.

BY ADVOCATE SHRI R.K. YADAVA.

VERSUS

1. Union of India,
Ministry of Post & Telegraph,
New Delhi,
through its Secretary.
2. The Director of Postal
Services, Gorakhpur Region,
Gorakhpur.
3. The Supdt. of Post Offices,
Gonda Division,
Gonda. :::: Respondents.

BY ADVOCATE SHRI ANIL SRIVASTAVA.

O R D E R.

JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.

We have heard the learned counsel for the parties. Through this O.A. the applicant challenges an order of punishment dated 30-10-92 copy of which is Annexure-1. By this order the applicant was dismissed from service. The applicant was working as Branch Post Master. He was ~~placed~~ ^{placed}

entitled to be reinstated in service. In the counter affidavit, on this aspect of the matter, it has been stated that the applicant was deemed to have been put off from duty from the earlier date of removal from service i.e. 10/2/88. The applicant had been put off duty and the disciplinary proceedings were instituted and conducted thereafter. We find force in the stand taken by the respondents that the applicant was at the put off duty stage when he was removed from service by the earlier order and he would be deemed to be on put off from duty from the date of removal from service. The order of put off duty of a Branch Post Master is not in the nature of an order of suspension or punishment. The submissions of the learned counsel for the applicant that the order of put off from duty merged with the order of removal from service and the appellate order both of which were quashed by the Tribunal and thus the order passed for putting him off duty also becomes non-existent, is not tenable. An order of putting off from duty is not in the nature of punishment.

3. The learned counsel for the applicant next submitted that the applicant had not been supplied with copies of documents proposed to be relied upon in support of the charges. The averment to this effect has been made in paragraph 4(b). In the counter affidavit it has categorically been stated that all the documents which form^d part of the charge-sheet were shown to the applicant. It has further been stated that at no stage of the enquiry the applicant raised the objection that the documents were not shown to him. The reply of the applicant in the rejoinder affidavit does not controvert

statements of the witnesses in preliminary enquiry alone. The contention advanced by the learned counsel for the applicant, therefore, is rejected. No other ground has been urged. The O.A. lacks merit and is accordingly dismissed. The parties shall bear their costs.

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MEMBER (ADM.)

Babalakshana
14/2/95

VICE-CHAIRMAN.

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