

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No. 163/86

Shri Govindrao W. Gode

Post Khandala,

Tq. Samudrapur district Wardha.

... Applicant

V/s

1. The Union Of India,  
through the Secretary,  
department of Telecommunication &  
Postal Services,  
New Delhi.
2. Director of Postal Services,  
Nagpur Division,  
Nagpur.
3. Superintendent of post offices,  
Wardha Division,  
Wardha 442001.

... Respondents

Coram: Hon'ble Member (A) J.G. Rajadhyaksha

Hon'ble Member (J) M.B. Mujumdar

ORAL JUDGEMENT (per M.B. Mujumdar)

Dated 20.1.1987

We have issued notices for Admission to the applicant as well as to the Respondents. Though the notices were served on the applicant, he has remained absent. However, Mr. S.R. Atre, Advocate (for Mr. P.M. Pradhan) has appeared for the Respondents and we have heard him.

As the applicant is absent, we have carefully gone through his application as well as the relevant rules relating to Extra-Departmental Staff of the P&T Department.

The applicant was first appointed as Departmental Runner in 1958; and in 1967 he was appointed as Extra-Departmental Branch Post Master at village Khandala in Wardha Dist. However, by an order dated 29.11.85 passed by the Assistant Superintendent of Post Offices, Sub-Division, Wardha, he is 'put off' duty with effect from the date of the order. The order is passed under rule 9 of the Posts & Telegraphs Extra Departmental Agents (Conduct & Services) Rules, 1964; on the

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ground that departmental case was under investigation against the applicant. The order is at Annexure 'A' to the application. Subsequently, the above order is confirmed by the Supdt. of Post Offices, Wardha Dn. Wardha on 6th December, 1985. This order is at Annexure 'B' to the application.

On 18.3.86, the applicant has filed this application before us praying that both these orders should be quashed. He has further, requested that the Respondents should be directed to take him back in service. He has also made an alternative prayer with the request that the Respondents should be directed to hold the proposed enquiry forthwith and to pass such further orders on the basis of such enquiry.

We have gone through the rule (9) of the P&T Extra-Departmental Agents ( C&S ) Rules 1964. The rule (9) reads as follows:

- "(1) Pending an enquiry into any complaint or allegation of misconduct against an employee, the appointing authority or an authority to which the appointing authority is subordinate may put him off duty;

Provided that in cases involving fraud or embezzlement, an employee holding any of the posts specified in the Schedule to these rules may be put off duty by the Inspector of Post Offices, under immediate intimation to the appointing authority.

- (2) An order made by the Inspector of Post Offices under sub-rule (1) shall cease to be effective on the expiry of fifteen days from the date thereof unless earlier confirmed or cancelled by the appointing authority or an authority to which the appointing authority is subordinate.
- (3) An employee shall not be entitled to any allowance for the period for which he is kept off duty under this rule."

After going through the impugned order, we find that the procedure laid down in this rule has been followed properly. The sub-rule (3) specifically lays down that an employee (like the applicant) will not be entitled to any allowance for the period for which he is kept off the duty under this rule. When this application was made, departmental proceeding was

not started against the applicant. Just now, Mr.S.R.Atre, the learned counsel for the Respondents has produced a letter from the concerned officer showing that a charge-sheet has been issued against the applicant on 8.12.86 and the same is received by the applicant on 26.12.86. The next date of enquiry was to be fixed on 6.1.87. Now that the departmental enquiry has been started against the applicant, the applicant's second alternative prayer is complied with. We therefore feel that no useful purpose will be served by admitting this application. The applicant has not prayed for any interim relief. We therefore reject the application under Section 19(3) of the A.T. Act 1985 with no orders as to costs.

( J.G.Rajadhyaksha )  
Member (A)

( M.B.Mujumdar )  
Member (J)