

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Review

APPLICATION No. 33/87
in A No. 160/86
(UP. NO.)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED: 24/6/87

APPLICANT

Vs

RESPONDENTS

The Sr. Supdt. of Post offices
TO

S. Janardhana Rao

① The Sr. Supdt. of Post offices
South Kanara Division,
Mangalore-1.

④ S. Janardhana Rao,
Resident of Sampige,
Sampige Post,
Karkala Taluk,
South Kanara.

② The Secretary,
Min. of Communication,
New Delhi

③ Shri M. Vasudeva Rao,
Central Govt. Standing Counsel,
High Court Building,
Bangalore-560001.

5. Shri M. Raghavendrachar,
Advocate, 107A,
Srinilasa Nagar, 2nd phase,
Bennashankari 1st Stage,
Bangalore-80.

APPLICANT

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 33/87 CA No 160/86

TO

....

On A.No. 160/87, dt. 19.9.86 as amended

Please find enclosed herewith the copy of the Order ~~passed~~ ^{amended}
passed by this Tribunal in the above said Application on
30-3-87.

ENCL: As above.

DEPUTY REGISTRAR
(JUDICIAL)

Copy to
160/86 (160)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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Copy to
160/86 (160)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 30th DAY OF MARCH 1987

Present : Hon'ble Shri Ch.RAMAKRISHNA RAO MEMBER(J)

Hon'ble Shri L.H.A.REGO MEMBER(A)

REVIEW - APPLICATION No.33/87

(in A.NO.160/86)

The Sr.Superintendent of Post Offices,
South Kannada Division,
Mangalore - 1.

The Union of India,
by its Secretary,
Ministry of Communication,
New Delhi.

REVIEW APPLICANTS

(Shri M.Vasudeva Rao ... Advocate)

V.

S.Janardhana Rao,
r/ of Sampige,
Sampige Post,
Karkala Taluk, S.M.

RESPONDENT

This Review Application has come up before the
court today. Hon'ble Shri Ch.Ramakrishna Rao, Member(J) made
the following :

ORDER

After perusing the Review Application(RA) filed on
behalf of the review-applicants and hearing Sri M.V.Rao for the
review-applicants, the delay in filing the RA is condoned.

2. It is stated in the RA that a de novo enquiry was
conducted by the respondents in the Original application(OA)
against the applicant in the OA as directed by the High Court of
Karnataka in w.p.3701/74 which culminated in removal of the appli-
cant from service w.e.f.30.5.1979. The appeal preferred by the
applicant in OA was also rejected by the appellate authority.

The OA was filed for payment of wages for the period during which



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the applicant was put off duty. In our earlier order dated 19.9.1986, while disposing of the OA, we directed the respondents therein to pay the applicant back wages for the period from the date on which he was put off duty till the date of his reinstatement within two months from the date of receipt of the order.

3. Sri M.V.Rao learned counsel for the review applicants submits that it was not brought to our notice when we passed the order on 19.9.86 that as a result of the de novo enquiry the applicant was not reinstated but was removed from service.

4. In view of the facts now brought to our notice we are satisfied that there is an error apparent on the face of our order which requires to be set right. We therefore direct the Registry to make the following amendments to our order dated 19.9.1986.

Paragraph 3 : Delete the first sentence. In line 18 for the words "till the date of reinstatement" substitute "till the date of his removal from service."

5. The review application is allowed to the extent indicated above.

6. The Registry is directed to amend the order dated 19.9.1986 in the light of the above.



Sd -

MEMBER(J)

30.3.87²

MEMBER(N)

AN.

True copy

24/6/87
SECTION OFFICE
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Application

JANAK DATT RAO

A. No. 160/86(T)

SUPPLY OF 127 OFFICERS
LAW OFFICE

Date	Office Notes	Orders of Tribunal
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(Per M(J))

19.9.1986.

Shri M. Raghavendrachar, counsel for the applicant, submits that the applicant was put off duty, and without holding an enquiry, was removed from service on 30.8.1973. The aforesaid order of removal from service was quashed by the High Court of Karnataka in W.P. No. 3701/74, giving opportunity to the respondents to hold a de-novo enquiry, which was not done. According to Shri Achar, neither the arrears of salary was paid, nor was he taken back to duty.

Shri M. Vasudeva Rao, learned counsel for the respondents, submits that in the circumstances of this case, the respondents were justified in removing the applicant from service without holding an enquiry, and the applicant is not entitled to any back wages.

~~After giving careful thought to the matter, we are satisfied that the respondents should have taken back the applicant to duty as a sequel to the order of the High Court, and thereafter held a de-novo enquiry, if necessary, against him. True, rule 9(3) of the Extra-Departmental Agents (Conduct & Service) Rules, 1964, only says that an employee shall not be entitled to any allowance for the period for which he is kept off duty; but this ~~does not~~ cannot, in the nature of things, mean that an employee can be kept off duty indefinitely. To remove any doubt in the matter, the D.G., P&T, New Delhi, in his letter No. 151/3/81-Vig.III dated 25.8.1981, clarified that the disciplinary authority should make every effort to finalise the disciplinary proceedings and pass final orders so that an ED agent may not remain put off duty for a period exceeding 120 days. Excluding this period of 120 days, which is a reasonable norm, we direct the respondents to pay the applicant back wages for the period from the date on which he was kept off duty till the date of his reinstatement, within two months from the date of receipt of this order. The application is accordingly allowed; no order as to costs.~~

(CH. RAMAKRISHNA RAO)
MEMBER (J)
19.9.1986.

(L.H.A. REGO)
MEMBER(A)
19.9.1986.



Substituted
As per order
of Tribunal
dt. 30.3.87
in RA 33/87

2/10/87
S.O. 3 CHT

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

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