

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH BANGALORE

DATED THIS THE NINETEENTH SEPTEMBER 1986

Present : Hon'ble Shri Ch. Ramakrishna Rao - Member (J)  
Hon'ble Shri L.H.A. Rego - Member (A)

APPLICATION No. 211 of 1986

Vittal Shetty  
Branch Post Master,  
Elinge Aikala  
Mangalore Taluk

- Applicant

(Sri B.G. Sreedharan, Advocate)

v

1. Union of India by its  
Secretary, Ministry of Transport  
and Communication, New Delhi
2. Senior Superintendent of Post Office,  
Mangalore Dn. Mangalore - Respondents

(Sri M.V. Rao, Advocate)

This application came up before this Tribunal  
to-day for hearing, and the Honourable Member (J),  
Shri Ch. Ramakrishna Rao made the following

ORDER

The applicant was working as Extra Departmental  
Branch Post Master (EDBPM) Elinge Post Office, Mangalore  
Taluk. He was kept off duty on 9.5.1972 by the Inspector  
of Post Offices, Mangalore and the same was confirmed by  
the second respondent on 24.5.1978, who however cancelled  
the order of suspension on 22.8.79.

2. Sri B.G. Sreedharan, learned counsel for the  
applicant submits that despite cancelling the order keeping

*C.S.*

... his client

his client off duty, he was neither reinstated nor was he paid back wages for the aforesaid period. Sri M.V. Rao, learned counsel for the respondents submits that fresh proceedings were initiated after the cancellation of the order initially passed by the second respondent keeping the applicant off duty and he was ultimately removed from service with effect from 21.9.1981. According to Shri M.V. Rao there is no provision in the P & T Extra Departmental Agents (Conduct & Service) Rules, 1964 (RULES for short), for payment of either subsistence allowance or the back wages for the period during which the applicant was kept off duty and as such the application has no merit.


3. After giving careful thought to the matter, we are of the view that though there is no provision for payment of subsistence allowance during the period when the applicant was kept off duty, the fact remains that the jural relationship of master and servant continued to exist as long as the disciplinary proceedings lasted and culminated in the order of removal from service. We have no doubt that but for the said jural relationship the proceedings could not have been held. We, therefore, hold that the applicant is entitled to back wages from the date he was kept off duty i.e. from ~~9-5-1972 to 21-9-1981~~ <sup>9-5-1978 to 20-1-81</sup>, when he was removed from service excluding the period of 120 days prescribed by DG P'T's letter No. 151/3/81-Vig II dated 25.8.81.

... In the

As amended  
vide order  
dt. 5-3-87  
in review  
Application  
No. 19/87

*[Signature]*

4. In the result the application is partly allowed.  
There will be no order as to costs.

  
Member (J)

 9.6.26  
Member (A)(R)