

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE TWELFTH DAY OF NOVEMBER 1986

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

APPLICATION No. 476 of 1986

J.Narayana Rao
E.D.B.P.M.
Jagarkal

- Applicant

(Shri M.R. Achar, Advocate)

v

1. The Director of Postal Services,
North Kanara Region, Dharwar

2. Superintendent of Post Offices
Raichur Division, Raichur

- Respondents

(Shri N. Basavaraju, Advocate)

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

O R D E R

The applicant who was working as Extra Departmental Branch Post Master (EDBPM) at Jagarkal was put off duty on 13.11.1981. The second respondent conducted an inquiry under Rule 8 of the P & T Extra Departmental Agents (Conduct and Service) Rules, 1964 (RULES for short) relating to payment of Rs.40/- each in respect of three money orders and passed an order removing him from service on 28.12.1983. Against this order the applicant preferred an appeal to the first respondent who in and by his order dated 19.3.1984 directed the applicant to be reinstated as EDBPM treating him as a fresh appointee.

.. Aggrieved

Aggrieved by this order the applicant has filed this application.

2. The submission of Shri M.R. Achar learned counsel for the applicant is that the respondent, while giving to his client the benefit of doubt, erred in holding that the material on record does not completely exonerate him of the charges levelled against him. Counsel invited our attention to the following observations of the first respondent in his order.

"On going through the record and inquiry proceedings I found that the prosecution side has not probed deep into V.P.C. Chairman's statement and his deposition during inquiry to bring out the facts to convince the I.O. This has left to I.O. come to the conclusion that the charges are not proved. Apart from this, I also feel that the case has not been satisfactorily proved. I am therefore inclined to give benefit of doubt to the appellant. However it does not completely exonerate the Ex-BPM of his charges."

Relying on these observations, Shri Achar submits that his client cannot be held responsible for any deficiency in the probe conducted by the prosecution, which in the present case means the Vigilance Wing of the department, and in the absence of any material supporting the charges the first respondent should have exonerated his client fully of the charges.

3. Shri N. Basavaraju, learned counsel for the respondents submits that on an overall view of the case the first respondent ordered that the applicant should be "reinstated as fresh appointee" and he is therefore not entitled to the back wages for the period during which he was kept off duty.

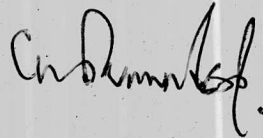
4. After giving careful thought to the matter, we are satisfied that the adverse observations made by the first respondent on the manner in which the 'prosecution' probed into the matter, is not a cogent ground for depriving the applicant of the back wages due to him. In other words, as a consequence of reinstating

... the applicant

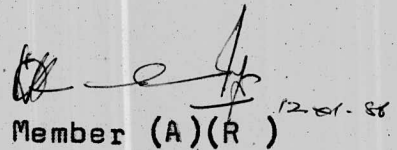
the applicant in service, he is entitled to back wages due to him for the period from 13.11.81 when he was kept off duty to the date of re-instatement, excluding the period of 120 days prescribed by DGP ' T's letter no. 151/3/81-Vig III dated 25.8.81, which is a reasonable norm for concluding the proceedings without payment of wages.

5. We, therefore, direct the respondents to pay the back wages as stated above within a period of one month from the date of receipt of this order.

6. In the result the application is allowed. No order as to costs.



Member (J)



Member (A)(R)