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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A.57/91

Anand Namdeo Dhongade,
R.O.Ward No.61,
Near Budha Mandir,
Zingabai Takli,
P.O.Mankapur
Dist.Nagpur.

.. Applicant

vs.

1. Union of India
through
Secretary,
Department of Posts,
Ministry of Communications,
New Delhi - 110 001.

2. The Postmaster General,
Maharashtra Circle,
P.O.Shankarnagar,
Nagpur 440 010

3. The Sr.Superintendent of Post
Offices,
Nagpur City Dn.
Nagpur - 440 010

4. The Sr.Postmaster(Gaz.)
Nagpur G.P.O. 440 001.

.. Respondents

Coram: Hon'ble Shri U.C.Srivastava,
Vice-Chairman

Hon'ble Shri P.S.Chaudhuri,
Member(A)

Appearances:

1. Mr.D.B.Walthare
Advocate for the
Applicant.

2. Mr.Ramesh Darda
Counsel for the
Respondents.

ORAL JUDGMENT:
{Per U.C.Srivastava,Vice-Chairman}

Date: 11-7-1991

The applicant who was appointed as Extra Departmental Stamp Vendor in the year 1982 was later on appointed as permanent E.D.A. The applicant proceeded on leave and during the leave period he was informed that there were some shortage of advances to the tune of Rs.303.70 ~~were found~~ in the stamp box and he should credit the same. The applicant after coming back from leave credited the said amount and thereafter

he was not allowed to join duty orally. Subsequently a termination order was issued on 26-4-1989. The applicant preferred an appeal which was allowed and the applicant was reinstated. He joined the duty on 10-1-1990 but the very next day i.e. on 11.1.1990 he was put off duty ^{by Senior Postmaster, Nagpur as} stating that disciplinary proceedings against the applicant were under contemplation he is being put off from duty.

2. Admittedly the chargesheet was issued only on 29th January, 1990. On behalf of the applicant it was contended that Rule 9(1) of P&T EDA (Conduct & Service) Rules, 1964 under which the enquiry can proceed provides that

"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."

3. It is only when an enquiry in respect of any complaint or allegation of misconduct ^{is pending that} a person can be put off duty and not before that. In the instant case the applicant was put off ~~from~~ from duty on the ground of contemplated enquiry and by the time no enquiry was started. Accordingly this order is in violation of Rule 9(1) of the P&T EDA (Conduct & Service) Rules, 1964. The application in this circumstance has got to be allowed and accordingly the order dtd. 11-1-1990 putting him off duty is quashed. It will be for the respondents to pass any ~~proper~~ proper order to take any appropriate proceedings in the matter and no observation

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in this behalf is made. There will be no order
as to costs.



(P.S. CHAUDHURI)
Member(A)



(U.C. SRIVASTAVA)
Vice-Chairman