

ORAL JUDGMENT:

DATED: 15-7-92

(PER: S K Dhaon, Vice Chairman)

The order dated 31st July 1991 passed by the Assistant Superintendent of Post Offices suspending the applicant from service (put off duty) in the purported exercise of power under Rule 9 of the Extra Departmental Agents (Conduct and Service) Rules 1964 (hereinafter, referred to as Rules), is being impugned in the present application. A counter affidavit has been filed. In paragraph 3 of the affidavit it is recited that the applicant was put off from duty from 31st July 1991 and the charge sheet was issued on 14th November 1991. Rule 9 of the Rules contemplates that order of suspension can be passed ~~by~~ *by* ~~pending inquiry~~. Surely, the averments, aforementioned in the counter affidavit clearly show that no inquiry was pending on 31st July 1991. The ~~by~~ *by* impugned order is, therefore, not sustainable. It has got to be set aside. However, we make it clear that it would be open to the competent authority to pass a fresh order in accordance with law, if it is so advised.

The application succeeds and is allowed. The order of suspension (put off ) dated 14.11.1991 is quashed. There shall be no order as to costs.

*Ms. Usha Savara*  
(Ms. Usha Savara)  
Member(A)

*S K Dhaon*  
( S K Dhaon )  
Vice Chairman