

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 24 JAN 1995

APPLICATION NO: 1324 of 1994.

APPLICANTS:- Sri.H.Sanjeevaiah,Nelamangala Taluk.
V/S.

RESPONDENTS:- Secretary,Dept.of Posts,New Delhi & Others.,

To

1. Sri.S.K.Mohiyuddin, Advocate,
No.11, Jeevan Buildings,
Kumara Park East, Bangalore-2.
2. Sri.M.Vasudeva Rao,
Addl. Central Govt. Stng. Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on Nineth January, 1995.

Issued on
24/01/95

[Signature]

[Signature]
o/c

for

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 1324/ 1994

MONDAY, THE 9TH DAY OF JANUARY, 1995

SHRI V. RAMAKRISHNAN ... MEMBER (A)
SHRI A.N. VUJJANARADHYA ... MEMBER (J)

Shri H. Sanjeevaiah,
Aged 32 years,
EDMC/NP, s/o Shri Hanumaiah,
Koligere B.O.,
Under Belavangala S.O.,
Nelamangala Taluk. ... Applicant

(By Advocate Shri S.K. Mohiyuddin)

Vs.

1. Union of India through
Secretary, Department of
Posts, New Delhi - 1.
2. Superintendent of Post
Offices, Channapatna.
3. Sub-divisional Inspector
(Posts), Nelamangala. ... Respondents

(By Addl. Central Govt. Standing Counsel,
Shri M. Vasudeva Rao)

ORDER

Shri V. Ramakrishnan, Member (A)

We have heard both sides. The relief sought for by the applicant is that the period of "put off duty" from 25.7.90 to 3.8.92 should be treated as duty for all purposes and that he should be paid all back wages for this period. The applicant has sought this relief on the ground that the department had subsequently decided to drop the proceedings earlier initiated. We find that the issue involved,

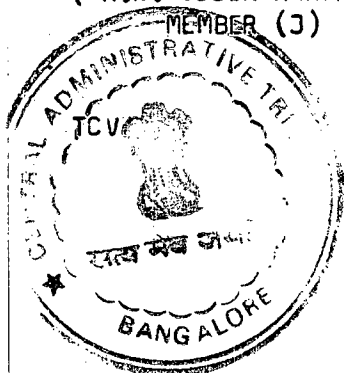


namely, the vires of Rule 9 (3) of the EDA (Conduct & Service) Rules which states that an employee shall not be allowed to draw any allowance for the period he was kept off duty has already been considered by the Full Bench of this Tribunal in OA 25/92 on a reference of the Calcutta Bench of this Tribunal and disposed of on 21.2.94. The Full Bench had held that an employee who is "put off duty" under Rule 9 of the Rules (as is the case in respect of the present applicant) is not entitled to get any allowance for the period during which he is kept off duty. In the light of the decision of the Full Bench of this Tribunal, we dismiss the present application.

2. At this stage, Shri S.K. Mohiyuddin submits that the case of Peter De Sa is pending before the Supreme Court on a reference by the department and in the event of Supreme Court passing any orders for the benefit of persons on "put off duty" under Rule 9 (3), the same should be extended to the applicant also. We agree and direct accordingly. No costs.

Sd/-

(A.N. VUJJANARADHYA)
MEMBER (J)



Sd/-

✓ 9/1/95
(V. RAMAKRISHNAN)
MEMBER (A)

TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore