

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

THURSDAY THE THIRTEETH DAY OF JULY
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN

THE HON'BLE MR JUSTICE K. MADHAVA REDDY - CHAIRMAN
THE HON'BLE MR. B.N.JAYA SIMHA: VICE-CHAIRMAN
AND
THE HON'BLE MR.D.SURYA RAO: MEMBER.

ORIGINAL APPLICATION NO. 441 of 1987.

Between:-

Syed Fayazuddin

.....Applicants.

And

- 1) The Sub Divisional Inspector (Postal)
Dhone Sub Division, Dhone, Kurnool dist.
- 2) The Supdt. of Post offices, Kurnool division, Kurnool - 518 001
- 3) The Director of Postal Services, A.P. Southern Region,
Kurnool, Ashok Nagar, Kurnool.

.....Respondents.

Application under Section 19 of the Administrative Tribunals Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased to quash the order passed by the Respondent no.1 herein in memo no 'F/1/85-86 dt. 13.8.1985' as arbitrary, illegal and unconstitutional and the Respondent be directed to reinstate the applicant as EDDA at maddikera Sub-Office, Dhone Sub-Division, Kurnool treating the Post-Off period as duly with all emoluments as per rules.

(ORDERS OF THE TRIBUNAL)

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The applicant, who was working as Extra Departmental Delivery Agent (E.D.D.A.) at Maddikara Sub Post Office, Kurnool District, was put off duty on 13-8-1985 under the P & T Extra Departmental Agents (Conduct and Service) Rules, 1964, on the ground that an enquiry into his conduct is pending. The allegation against him is that he attested disbursement of Money Orders to persons *were dead* who ~~are not~~ *alive* on the dates on which the Money Orders were purported to have been disbursed. When this matter came up for admission on 22-7-1987, the Counsel for the Respondents took time to ascertain position at what stage the said enquiry was. It is now seen from the file No.C.C.79/87 produced before us that while no departmental proceedings are initiated, the matter has been reported to Police, and is under investigation. However, *it does not* *contain even the* *any F.I.R. nor even a complaint* this file/ contains any F.I.R. nor even a complaint

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which is stated to have been lodged with the Police.

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The applicant has been put off duty almost for the last two years. If no departmental proceedings are initiated against him, putting him off duty for an indefinite period itself constitutes a punishment, which requires intervention of this Tribunal. We would, therefore, direct the respondents to dispose of the matter within a period of two months from the date of receipt of this Order, failing which, it would be open to the applicant to move this Tribunal by way of a fresh application.

2. With the above directions, the application is disposed of at the admission stage itself.

K. Madhava Reddy
(K. MADHAVA REDDY)

Chairman.

B.N. Jayasimha
(B. N. JAYASIMHA)

Vice-Chairman.

30th July, 1987.

RSR°

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