

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A.No.443/90.

Dt. of Order:26-2-92.

~~VS.~~ B.Prathapa Raju

....Applicant

vs.

1. Union of India, rep. by Secretary, Ministry of Communications, New Delhi-1.
2. Superintendent of Post Offices, Kurnool Division, Kurnool-518422.
3. Sub-Post Master (LSG), Atmakur (KN), Kurnool District.

....Respondents

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Counsel for the Applicant : Sri T.Jayant

Counsel for the Respondents : Sri Naram Bhaskar Rao, ~~Adm Case~~

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CORAM:

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

(Order of the Division Bench delivered by Hon'ble Sri R.Balasubramanian, Member (A)).

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This application is filed by Sri B.Prathapa Raju against the Secretary, Ministry of Communications, New Delhi, and two others under section 19 of the A.T.Act, 1985 prayer to with a/direct the Respondents to regularise the period of off duty from 4-6-84 to 5-1-89 ~~as~~ duty for all purposes including payment of pay and allowances in pursuance of impugned order memo No.PF/BP dt.5-1-89 passed by the 3rd Respondent. At the relevant time the applicant was working as E.D.Packer at Atmakur. The Inspector of Atmakur served a memo of charges dt.7-6-84 ~~putting~~ him off-duty with effect from 4-6-84. Thereafter, the Inspector of Post Offices terminated his services vide his memo dt.8-8-84. Thereafter

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a few rounds of litigations, vide its order dt.12-2-88 in TA 134/87 this Bench set aside the order of termination dt.8-8-84 issued by the 3rd Respondent with liberty to the Respondents to issue proper notice and to take such action as deemed necessary. Pursuant to this the applicant had been taken back to duty with effect from 5-1-89. It is now stated that the Department had not paid any pay and allowances for the said period inspite of several representations. Hence this application.

2. We have heard Sri T.Jayant, learned counsel for the applicant and Sri Naram Bhaskar Rao, learned counsel for the Respondents. The question before us is ^{whether} to treat the period of 4-6-84 ~~to~~ 5-1-89 as 'on duty'. This period consists of two segments; the first segment is from 4-6-84 to 7-8-84 i.e. from the date of put-off duty to the day prior to his termination. The second segment is from 8-8-84 to 5-1-89 i.e. from the date of termination to the date of re-instatement into service pursuant to the decision of this Bench. In regard to the period from 4-6-84 to 7-8-84, the Respondents ^{drew} our attention to the provisions of E.O.Rules, according to which no allowance is payable during the period of put-off duty. In view of this position we ~~are~~ refrained from giving any directions to the Respondents. The ~~are~~ Respondents ~~at~~ liberty to treat this period in accordance with Rules. As regards the second segment the period has to be treated as duty and the applicant is entitled to

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the allowances and consequential benefits there of.

We direct the Respondents accordingly to pay the applicant the amounts due to him within a period of three months from the date of receipt of this order.

The application is disposed-of accordingly. No order as to costs.

R.Balasubramanian

(R.BALASUBRAMANIAN)
Member (A)

T.Chrisnayya

(T.CHANDRASEKHAR REDDY)
Member (J)

Dated: 26th February, 1992.
Dictated in Open Court.

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Deputy Registrar (J)

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avl/

To

1. The Secretary, Union of India, Ministry of Communications, New Delhi-1.
2. The Superintendent of Post Offices, Kurnool Division, Kurnool-422.
3. The Sub-Postmaster (LSG) Atmakur (KN) Kurnool Dist.
4. One copy to Mr.T.Jayant, Advocate, CAT.Hyd.
5. One copy to Mr.N.Bhaskar Rao, Addl. CGSC.CAT.Hyd.
6. One spare copy.

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COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V.C.
THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)
AND
THE HON'BLE MR.T.CHANDRASEKHAR REDDY
M(JUDL)
AND
THE HON'BLE MR.C.J.ROY : MEMBER(JU)

DATED: 26-2-1992

ORDER/JUDGMENT:

R.A/C.A/ M.A.N.

in

O.A.No.

643/90 ✓

T.A.No.

(W.P.No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No order as to costs.

