

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD :

D.A.No.516/90.

Date of Judgment:6-8-90.

N.Sayanna ...Applicant
Vs.

1. Union of India rep. by
The Secretary to the Government,
Department of Posts, New Delhi.
2. The Chief Postmaster General,
Andhra Circle, Hyderabad.
3. The Postmaster General,
Andhra Pradesh Southern Region,
Kurnool.
4. The Superintendent of Post
Offices, Kurnool-518 001.

...Respondents

Counsel for the Applicant : Shri K.S.R.Anjaneyulu

Counsel for the Respondents : Shri Naram Bhaskar Rao,
Addl.CGSC

CORAM:

HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

HON'BLE SHRI D.SURYA RAO : MEMBER (JUDICIAL)

(Judgment of the Division Bench delivered by
Hon'ble Vice-Chairman, Shri B.N.Jayasimha)

The applicant ~~was~~ while working as ^a Branch
Post Master, Meedivemula a/w Camp, Kurnool District was put
off duty by an order of the Superintendent of Post Offices,
Kurnool dated 11-10-1989 pending enquiry into his conduct.
The applicant handed over the charge pursuant to this order.

~~He alleges that~~ No further action was taken by the respondents and that even his statement has not been recorded. He

Submitted a representation dt.20-2-90 stating that though

five months have elapsed from the date of his being put-off duty no action was taken despite his making representations requesting the authorities to revoke the orders. No reply has been given to his representations. According to Lr.No.151/7/77-Disc(2) dated 23-3-1978 of the Director General, Posts & Telegraphs, Extra Departmental Agents may be put-off duty only during the pendency of the enquiry and not when any enquiry is contemplated but such period of put-off duty should not be more than 120 days. The order putting him off to duty is contrary to the Director General, Posts & Telegraphs Instructions dt. 23-3-1978 and therefore invalid.

2. We heard the case on 6-7-90 and adjourned it to this day to enable the Additional Standing Counsel to get instructions. We have heard Shri K.S.R.Anjaneyulu, learned counsel for the applicant and Shri Naram Bhaskar Rao, learned standing counsel for the central government. Shri Bhaskar Rao states that the Assistant Superintendent of Post Offices (A.S.P.) who was to conduct the enquiry met with an accident and therefore he could not complete the investigation for issue of a charge memo. We are unable to accept that this is a valid reason for continuing to keep the applicant on "put-off duty". The Director General, Posts and Telegraphs instructions provide for putting an E.D.Agent off-duty for a period not exceeding 120 days. There is no provision for further extension

R2
b75
contd...3.

of putting-off duty of an E.D.Agent beyond this period.

Since no charges have been framed and the period of 120 days has expired long ago, we direct that the applicant be re-instrated immediately as Extra Departmental Branch Post Master. However, this order will not be a bar to the respondents to proceed against the applicant according to Law.

3. Application is allowed. No order as to costs.

B.N.Jayasimha

(B.N.JAYASIMHA)
Vice-Chairman

D.Surya Rao

(D.SURYA RAO)
Member (J)

Dated: 6th August, 1990.
Dictated in Open Court.

av1/

Superintendent of Posts
S/DEPUTY REGISTRAR (JUL)

To

1. The Secretary to the Government, Union of India, Department of Posts, New Delhi.
2. The Chief Postmaster General, Andhra Circle, Hyderabad.
3. The Postmaster General, A.P. Southern Region, Kurnool.
4. The Superintendent of Post Offices, Kurnool-518001.
5. One copy to Mr.K.S.R.Anjaneyulu, Advocate 1-1-365/A, Jawaharnagar, Bakaram, Hyderabad.
6. One copy to Mr.Naram Bhaskara Rao, Addl.CGSC.CAT.Hyd.Bench
7. One spare copy.

pvm.

rs bkr

16162
Xerox
CHECKED BY

APPROVED BY

TYPED BY ✓

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA : V.C.

AND ✓

THE HON'BLE MR. D. SURYA RAO : MEMBER (J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

DATE: 6/8/90

ORDER/JUDGMENT:

T.A. / R.A/C?A/No. in

T.A. No.

W.P. No.

O.A. No.

516/90 ✓

Admitted and Interim directions issued
Allowed. ✓

Dismissed for Default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs. T.C.H.

