

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.251/93.

Date of Judgement 14.9.1993.

Between:

M. Prahallada Chary

.. Applicant

And

1. Assistant Superintendent of Post
Offices, Gadwal Sub Division,
2. The Superintendent of Post Offices,
Mahabubnagar Division,
Mahabubnagar District. .. Respondents

Counsel for the Applicant : Sri K. Venkateswara Rao
Sr. CGSC

CORAM:

The Hon'ble Mr. Justice V. Neeladri Rao: Vice-Chairman
The Hon'ble Mr. P.T. Thiruvengadam, Member (Admn.)

J u d g e m e n t

I As per the Hon'ble Mr. Justice V. Neeladri Rao, I
I Vice-Chairman. I

This O.A. was filed against order dt. ⁴⁻³⁻⁹³~~3-4-93~~
whereby the applicant was placed on put off duty by
of
Asst. Superintendent/Post Offices, Gadwal. The main
contention of the applicant is that the Asst. Superin-
tendent of Post Offices is not empowered to pass an order
placing EDBPM staff on ^{put off} _{Rule 9} duty. EDA Conduct and Service

Rules lay down that pending an enquiry into any complaint or allegation of misconduct against an employee, the appointing authority or the authority to which ^{the} appointing authority is subordinate, may put him off duty. It also provides that in cases involving fraud or embezzlement ~~an~~ employee^s holding the post of EDBPM or the posts specified in the schedule may be put off duty by the Inspector of Post Offices under immediate intimation to the appointing authority.

2. It is ^{not} ~~is~~ in controversy that Superintendent of Post Offices is appointing authority in regard to the EDBPM. Even the impugned order dated 4.3.93 discloses that the applicant was placed on put off duty in pursuance of D.O. Letter No. B2/374 of Superintendent of Post Offices. The said D.O. letter is placed before us. It shows that the Superintendent of Post Offices, Mahabubnagar instructed the Asst. Superintendent of Post Offices, Gadwal to place the applicant on put off duty. Hence by reading the impugned letter dated 4.3.93 along with D.O. Letter No. B2/374 dt. 3.3.93 of the Superintendent of Post Offices, Mahabubnagar, ~~it~~ ^{effect} can be stated that in ~~substance~~ it is the Superintendent of Post Offices who ordered for placing the applicant on put off duty. Hence it had to be held that it is ^{the} ~~is~~ competent authority who placed the applicant on put off duty.


3. In the above view, there is no need to consider ^{as} ~~had~~ to whether the order placing the applicant on put off duty is for embezzlement. ^{it has to be} ~~But had~~ mentioned that in the counter it is stated that the impugned order was passed for the alleged embezzlement on the part of the applicant. But the learned counsel for the applicant ^{has} ~~have~~ vehemently argued that there was no embezzlement on the part of the applicant and he merely submitted that if there was shortage of money during the

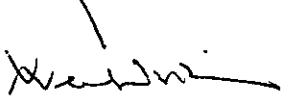
period of substitute, he is prepared to pay the same. Anyhow, there is no need to further advert to it as we already held that, in fact, it is the Superintendent of Post Offices, Mahabubnagar who passed the order placing applicant on put off duty and the Asst. Superintendent of Post Offices merely carried out that order by passing the impugned order.

4. It had to be noted that even though the applicant was placed on put off duty ~~xxx~~ more than 5½ months back ~~xxxx~~ the charge memo ^{was} not yet issued. It is not the case of the respondents that the investigation is not yet over. Hence in the circumstances the respondents are directed to expedite the enquiry and if it cannot be disposed by the end of January, 1994, the applicant is free to move this Tribunal, ~~as per the impugned order dt. 4.3.1993~~ in order to consider whether there will be any justification for further continuing ^{it} ~~that order~~ ~~dated~~ 4.3.93.

5. In the result the O.A. is dismissed. No costs.

Dictated in open court.


(P.T. Thiruvengadam)
Member (A)


(V. Neeladri Rao)
Vice-Chairman

dated 14th September, 1993


Deputy Registrar

To

1. The Assistant Superintendent of Post Offices,
Gadwal Sub Division, Gadwal, Mahabubnagar Dist.

kmv

2. The Superintendent of Post Offices,
Mahabubnagar Division, Mahabubnagar Dist.
3. One copy to Mr.K.venkateswara Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

30/8/93
22/9/93

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COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 14-9-1993

~~ORDER~~/JUDGMENT:

M.A./R.A./C.A.No.

in

O.A.No. 251/93

T.A.No. (W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

