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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

O.A.No. 425/93.

Dt.of Decision:19-10-95.

P. Sirivelleppa

.. Applicant.

Vs

1. The Supdt. of Post Offices,  
Anantapur Division,  
Anantapur District.
2. The Sub-Divisional Inspector  
(Postal), Kalyandurg,  
Anantapur Division.

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

The Hon'ble Shri Justice V. Neeladri Rao : Vice Chairman

The Hon'ble Shri A.B. Gorthi, Member (Admn.)

O.A.No. 425/1993.

dt. of decision: 19-10-1995.

JUDGEMENT

( As per Hon'ble Sri Justice V.Neeladri Rao, Vice Chairman )

Heard the counsel for both the parties.

2. The applicant who is E.D.M.C. in the Branch P.O., Kothuru Garudapuram in Anantpur District was placed on put off duty from 12-4-89 to 1-3-91. The applicant was reinstated on 2-3-91 after conclusion of the enquiry, ~~on 28-2-91.~~ The applicant was not paid any allowances for the put off period as Rule 9(3) of Service Rules for E.D.Staff lays down that an employee shall not be entitled to any allowances for the period for which he is <sup>placed on put</sup> kept off duty under this rule. But the same was struck down by the Bangalore Bench in Superintendent of Post offices and Ors. V/s Peter J.D'Souza and Ors. The appeals (C.A.No.4917-27/90) <sup>thereon</sup> were disposed of by the Apex Court by order dt.10-7-95. It was held by the Apex Court that Rule 9(3) of the E.D.A. Rules is violative of Art.14 of the Constitution of India. In Para.3 of the order, dt.10-7-95 of the Apex Court it is stated as under:

"It would be open to the Union of India to examine each case to reach the conclusion as to whether the individual is entitled to the salary for the period when he was kept off duty under Rule 9(1) of the Rules. In the event of any of the respondents being exonerated/reinstated in the disciplinary proceedings the salary for the off-duty period can only be denied to him after affording him an opportunity and by giving reasons."

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3. In view of the above, this O.A. is disposed as under:

R-1 has to consider the claim of the applicant for the remuneration for the put off duty period in accordance with Clause-3 of the Order, dt.10-7-95 in C.A.Nos.4917-27/90 which is as under:

"It would be open to the Union of India to examine each case to reach the conclusion as to whether the individual is entitled to the salary for the period when he was kept off duty under Rule 9(1) of the Rules. In the event of any of the respondents being exonerated/reinstated in the disciplinary proceedings the salary for the off-duty period can only be denied to him after affording him an opportunity and by giving reasons."

4. The O.A. is ordered accordingly. No costs.//

( A.B. Gorthi )  
Member (A)

( V. Neeladri Rao )  
Vice Chairman

Dictated in Open Court  
19-10-1995

Deputy Registrar(J)CC

To kmv

1. The Superintendent of Post Offices,  
Anantapur Division, Anantapur Dist.
2. The Sub Divisional Inspector(Postal)  
Kalyandurgm Anantapur Division.
3. One copy to Mr.Krishna Devan, Advocate, CAT.Hyd.
4. One copy to Mr.V.Bhimanna, Addl.OGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRERAC  
VICE CHAIRMAN

AND

A. B. Gozthi

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

DATED: 19-10-1995

~~ORDER~~ JUDGMENT

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

in

O.A.No.

425/93.

T.A.No.

(W.P.No.)

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions.

~~Dismissed.~~

~~Dismissed as withdrawn.~~

~~Dismissed for default.~~

~~Ordered/Rejected.~~

No order as to costs.

No Spare Copy

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Central Administrative Tribunal  
DESPATCH  
3 NOV 1995  
HYDERABAD BENCH