

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.466 of 1993

DATE OF JUDGMENT: 17th June, 1993

BETWEEN:

Mr. P. Baswaraja

..

Applicant

AND

1. The Sub Divisional Inspector (Postal),
Mahaboobnagar (West) Sub Division,
Mahaboobnagar.
2. The Superintendent of Post Offices,
Mahabubnagar Division,
Mahabubnagar.

..

Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. K. Venkateswara Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N. R. Devaraj, Sr. CGSC

CORAM:

Hon'ble Shri Justice V. Neeladri Rao, Vice Chairman

Hon'ble Shri P. T. Thiruvengadam, Member (Admn.)

contd....

.. 2 ..

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

The applicant was placed on 'put off duty' by the impugned order dated 3.10.1992 pending inquiry. He was working as Extra Departmental Messenger in Kodangal Sub Post Office with effect from 13.8.1981. It is alleged in the OA that the order dated 3.10.1992 placing him on put off duty had come to an end after the expiry of one month ie., 3.11.1992 as the said order was not communicated to the higher authorities as per the instructions contained in the Directorate's letter dated 19.4.1988, the relevant portion of which reads as under:-

"(i) Deemed revocation if not ratified by higher authority within one month:-

The case of 'put off duty' must be brought to the notice of the next higher authority and it should be ratified by that authority within one month of its receipt, failing which the orders putting off duty should be deemed to be revoked.

(ii) xxxxx xxxx xxxx xxxx

(iii) xxxx xxxx xxxx xxxx."

But, Shri N.R.Devaraj, learned Standing Counsel for the respondents produced the instructions No.ST/30-EDA/Rlgs/X/Corr. dated 12.2.1990, relevant portion of which is to the following effect:-

"Instructions on the above mentioned subject were issued vide this Directorate letter of even No. dated 19.4.1988. The item No.(i) of

contd....

the said instruction reads as under:-

(i) Cases of 'put off duty' must be brought to the notice of the next higher authority and it should be ratified by that authority within one month of its receipt failing which, the orders putting off duty should be deemed to be revoked.

The matter has since been reviewed and it has been decided to substitute the above para with the following:-

1) Cases of 'putting off duty' must be brought to the notice of the next higher authority whenever an ED Agent is put off duty by an authority lower than the appointing authority and the said order should be subject to ratification by the appointing authority within a month of its issue failing which, the orders putting off duty should be deemed to have been revoked."

2. Thus, by the relevant date, the instructions contained in the Directorate's letter dated 19.4.1988 were ^{not} in force. Hence, it is to be stated that it was not necessary at the relevant date to bring the order of 'put off duty' passed by the appointing authority to the notice of the higher authorities. Hence, the impugned order dated 3.10.1992 is continued to be in force till it is revoked by the concerned authority.

It is not even the case of the applicant that the impugned order was revoked. It is also stated that the inquiry is going on and the applicant is participating in the inquiry.

3. The learned counsel for the applicant submitted that as the Directorate's letter dated 15.1.1990 was not printed

16

.. 4 ..

in the "Swamy's compilation of Service Rules for Extra Departmental Staff in Postal Department", the applicant was under the impression that it was not necessary to submit the other grounds for challenging the impugned order and hence he may be given opportunity to assail the impugned order on those grounds. In the circumstances, the applicant is at liberty to come up with another application to assail the said order on other grounds, if any, if he is so advised.

4. The OA is accordingly dismissed at the admission stage. No costs.

(Dictated in the open Court).

P.T.TIRUVENGADAM
MEMBER (ADMN.)

V.NEELADRI RAO
VICE CHAIRMAN

DATED: 17th June, 1993.

823473
Deputy Registrar (J)

To

vsn

1. The Sub Divisional Inspector (Postal)
Mahaboobnagar (West) Sub Division, Mahaboobnagar.
2. The Superintendent of Post Offices, Mahabubnagar Division,
Mahaboobnagar.
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 spare copy.
6. One copy to Libarary, CAT.Hyd.

pvm

20/6/93
27/6/93

I.M.

C

TYPED BY

CHECKED BY

COMPARED BY

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. GORTY : MEMBER (AD)

AND

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

AND

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

Dated : 17/6/1993

ORDER/JUDGMENT:

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

in

O.A. No. 466/93

T.A. No.

(w.p.)

Admitted and Interim directions
issued

Allowed

Disposed of with directions

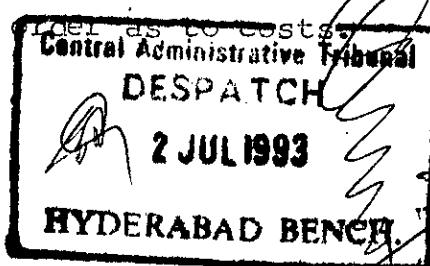
Dismissed

Dismissed as withdrawn

Dismissed for default

Rejected/ Ordered

No order as to costs



pvm