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

O.A.NO. 389/94

DATE OF JUDGMENT: 18.8.1995

BETWEEN:

P.Duryodhana

.. Applicant

and

1.Asst.Supt. of Postoffices
Tekkali Sub Division
Tekkali, Srikakulam Distt.

2.Sr.Supt. of Postoffices,
Srikakulam Division
at Srikakulam

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI S.Tulsidas

COUNSEL FOR THE RESPONDENTS: SHRI N.R.Devraj
Sr./Asst. CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD..... 2

ORDER

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

Heard Shri S.Tulasi Das, counsel for the applicant and Shri N.R.Devraj, Standing Counsel for the respondents.

2. The applicant, who was working as ~~ED~~ Extra Departmental Mail Carrier (EDMC for short) at Sekharapuram Branch Office in Srikakulam District was placed under 'put off' duty on 19.12.1989 pending disciplinary enquiry. After the inquiry, the applicant was removed from service by order dated 28.9.1991. His appeal thereon, was rejected. The same was challenged in OA 1078/92 on the file of this Bench. Having accepted the contention for the applicant, that the disciplinary authority ~~xxx~~ had no powers to differ from the findings of the Inquiry Officer which were favourable to the applicant, without giving opportunity to the delinquent employee, the order of removal dated 28.9.1991 was set aside, and the disciplinary authority was permitted to continue the inquiry after giving notice to the applicant to explain as to why the disciplinary authority should not differ from the findings of the inquiry officer which were favourable to the applicant. After receipt of the order dated 6.9.93 in OA 1078/92, R1, the Disciplinary authority issued memo dated 5.10.1993, placing the applicant under 'put off' duty pending continuation of the inquiry. The same is assailed in this OA.

3. In para 5 of the Judgement dated 6.9.93, in OA 1078/92, it is stated that the order of dismissal from service, as also the order of the appellate authority rejecting the appeal of the applicant are set aside. It is further stated that ^{if} the disciplinary authority wants to take into account of the Inquiry Officer the findings in respect of remaining 7 money orders (which are favourable to the applicant) ~~the~~ necessary notice has to be given. There is no specific direction to the respondents

To

1. The Asst. Superintendent of Post Offices,
Tekkali Sub Division,
Tekkali, Srikakulam Dist.
2. The Senior Superintendent of Post Offices,
Srikakulam Division, at Srikakulam.
3. One copy to Mr. S. Tulsidas, Advocate, Advocates' Association,
High Court of A.P. Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

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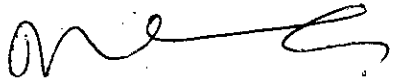
to reinstate the applicant pending continuation of the inquiry. Hence, before issuing any order of re-instatement, the applicant was placed under 'putoff' duty when R1 decided ^{after} to continue with the inquiry, taking into consideration ^{the material in regard to} the remaining 7 money orders for which the findings of the inquiry officer were in favour of the applicant.

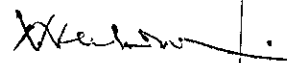
4. When Rule 9 of Extra Departmental Delivery Agents Conduct & Service Rules, empowers the Disciplinary authority to place ~~of~~ an Extra Departmental Delivery Agent under 'putoff' duty pending disciplinary proceedings, it is open to the said authority to place the EDA under putoff duty even after the order of removal is set aside and the disciplinary authority is permitted to continue the inquiry. Hence, we do not find any grounds to interfere with the impugned order. As such, this OA does not merit consideration.

5. Accordingly, the OA is dismissed.

6. The applicant is free to make a representation to ~~claim~~ ~~claim~~ salary or a portion of ~~claim~~ salary in accordance with the Apex Court order in CC 457/90 dated 10.7.95 in the case of Secretary, Min. of Communication Vs Gundu Achary.

7. No costs.//

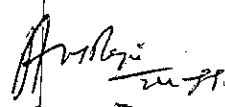

(R. RANGARAJAN)
Member (Admn)


(V. NEELADRI RAO)
Vice-Chairman

Dated: The 18th August, 1995

Dictated in the Open Court

mvl


Deputy Registrar

THPED 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

A N D

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

DATED 18/8 1995.

ORDER/JUDGMENT:

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

OA.No. in 389/94

TA.No. (W.P.)

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

