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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.83/95

Dt. 20-10-97

Between

A. Venkateswarlu

: Applicant

and

1. Director of Postal Services  
Office of Postmaster General  
Kurnool

2. Supdt. of Post Offices  
Nandyal Division  
Nandyal

: Respondents

Counsel for the applicant

: K.S.R. Anjaneyulu  
Advocate

Counsel for the respondents

: N.V. Raghava Reddy  
CGSC

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL.)

*For*

## Judgement

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member (Jud1))

Heard Sri K.S.R. Anganeyulu, learned counsel for the applicant and Sri N.V. Raghava Reddy, learned counsel for the respondents.

1. During June, 1993, the applicant was working as Sub-It is stated that on 15-6-93 the Asstt. Supdt. of Post offices -Post Master, Donalkonda RS Sub Office, along with two other officials inspected the said post office and verified the Savings Bank account. The applicant submits that he was relieved from the said post on the night of 15-6-1993. On 16-6-1993 he was evicted from the official quarters. The applicant submits that he was on leave from 16-6-1993 to 1-12-1993. The applicant submits that on 2-12-1993 he appeared before the Sub Post Master, Donalkonda to report for duty with a medical certificate. The Sub Post Master, Donalkonda, refused to handover charge to him. He was admitted to duty on 26-2-1994 and was on duty till 5-3-1994.
2. He had filed OA.91/94 for not allowing him for duty and for Salary for the period he was on duty. from 2-12-1993 onwards. On 1-3-1994 the said OA was disposed of with a direction to the applicant to submit a detailed representation to the respondents. The applicant accordingly submitted his representation dated 12-4-1994.
3. On 18-4-1994 the Superintendent of Post Offices, Nandyal Division, informed that payment of allowances for the period mentioned in the representation would be adjusted after finalising the Police case and chargesheet issued by him under Rule 14 of the CCS (CCA) Rules, 1965.

4. The applicant has filed this OA challenging the letter being No.F/4-2/93/III dated 18-4-1994 and has prayed for direction to the Superintendent of Post offices, Nandyal to pay <sup>him</sup> the pay and allowances for the period from 1-6-1993 to 5-3-1994 and also arrears of bonus for the year 1992-93 and arrears of DA.

5. The respondents have filed counter stating that the impugned memo was served on the applicant as a chargesheet was pending against him and that the period stated to be on duty and 'leave on medical certificate' is under inquiry attracting the provisions of Rules 62 and 63 of P&T Manual Vol.III and the charge sheet has already been issued to the applicant treating the period as unauthorised absence from duty and it is further submitted that the applicant is facing inquiry involving pecuniary loss to the Department.

6. When the applicant was admittedly on duty from 1-6-1993 to 15-6-1993 the respondents cannot deny him pay and allowance for the said period. The respondents shall have to pay the allowances for the said period.

7. The applicant submits that he was <sup>on leave</sup> ~~on medical leave~~ from 16-6-1993 to 1-12-1993 whereas the respondents submit that the applicant was absconding during the said period. This period of absence is under inquiry. Therefore, payment of pay and allowances for the period from 1-6-1993 to 1-12-1993 will be <sup>entitled</sup> depending upon the outcome of the disciplinary proceedings initiated against the applicant.

8. The case of the applicant is that on 2-12-1993 he appeared before the respondents with a medical certificate for joining duty. The applicant submits that he was on duty on 2-12-1993 to 5-3-1994. The respondents admit this position in para-9 of their counter. If that be the case the applicant

should have been taken ~~on~~ on duty or he should have been <sup>under</sup> kept ~~on~~ suspension on that day. He was suspended only with effect from 5-3-1994. Hence, without giving him suitable order in regard to his taking back <sup>to</sup> ~~on~~ duty, the applicant cannot be kept in a position where he can neither be treated as on duty or under suspension. In our opinion, the period when no decision was taken he should be treated as admitted on ~~an~~ duty and on that basis he should be paid from 2-12-93 to 5-3-1994 when he was suspended.

9. Hence we issue the following directions to the respondents:

The Superintendent of Post Offices, Nandyal, shall pay to the applicant the pay and allowances for the period from 1-6-1993 to 15-6-1993 and from 2-12-93 to 5-3-1994 treating him as having ~~on~~ <sup>been</sup> on duty.

10. The period of absence of the applicant from 16-6-1993 to 1-12-1993 shall ~~have~~ to be decided after the finalisation of the disciplinary proceedings. The respondents shall pay the pay and allowances for the applicant for the period mentioned above within 45 days from the date of receipt of the copy of the order.

11. With the above <sup>directions</sup> ~~observation~~, the OA is disposed of. No order as to costs.

  
(B.S. Jai Parameshwar)  
Member (Judl.)

20.10.97

  
(R. Rangarajan)  
Member (Admn.)

Dated : October 20, 97  
Dictated in Open Court

sk

  
D. R.

OA.83/95

The Director of Postal Services, O/o the Postmaster General,  
Kurnool.

2. The Supdt. of Post Offices, Nandyal Division, Nandyal.
3. One copy to Mr. K.S.R. Anjaneyulu, Advocate, CAT., Hyd.
4. One copy to Mr. N.V.Raghava Reddy, Addl.CGSC., CAT., Hyd.
5. One copy to HBSJP M(J), CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

Srr

7/11/97  
(A)

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :  
M (J)

Dated: 20-10-97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in  
D.A.NO. 83/95

Admitted and ~~Interim~~ Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक विधिकरण  
Central Administrative Tribunal

DESPATCH

- 3 NOV 1997

हैदराबाद व्यायापीठ  
HYDERABAD BENCH