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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.321/95

dt.22-10-97

Md. Ghousuddin

: Applicant

versus

Supdt. of Post Offices
Warangal Division
Warangal

: Respondent

Counsel for the applicant

: S. Ramakrishna Rao
Advocate

Counsel for the respondent

: N.V. Raghava Reddy
CGSC

CORAM

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

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

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Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.)

Heard Sri S. Ramakrishna Rao for the applicant and Sri N.V. Raghava Reddy for the respondents.

1. The applicant while working as ED BPM, Ammangal, a/w Mahabubabad H.O., Warangal, was put off duty under the Provisions of Government of India Instructions No.5(2)(e) below Rule-9 of P&T EDAs (Conduct & Service) Rules, 1964, as per the impugned memo No.B-3/Ammangaal/94 dated 7-9-94 (Annexure 1), ^{which} is challenged in this present OA. The contention of the applicant is that he was not taken ^{into} ~~on~~ ^{police} custody by the Police and hence under the rule quoted, he ^{could} ~~cannot~~ be put off duty even though he has been taken up for criminal charge by the Police.

2. This OA is filed for setting aside the impugned order dated 7-9-94 by holding it as arbitrary, capricious, unwarranted and in violation of provisions of Articles 14 and 16 of the Constitution.

3. An interim order in this OA was issued on 28-3-1995. As per the interim order the impugned order dated 7-9-1994 was suspended until further orders and the applicant was permitted to discharge duties of ED BPM on production of copy of that interim order.

4. It has been ^{submitted} admitted by the learned counsel for the respondents that even an ED official can be put off duty even without arresting him and ^{keep} ~~keep~~ him under Police custody by the modified Rule-9, when a criminal charge is filed against him, by DG letter No.19/36/95-ED & Trg. dated 13-1-1997. Hence, the put off duty for an ED Staff charged

in a criminal case is applicable only with prospective date from 13-1-1997. As such the applicant was put off in terms of earlier rule which has ^{been} superseded the impugned order, has to be set aside.

5. In view of the above, the OA is allowed and the impugned order order No.B-3/Ammangal/94 dated 7-9-94 is hereby set aside. No costs.

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

22.10.97

R
(R.Rangarajan)
Member (Admn.)

Dated : October 22, 97
Dictated in Open Court

Amma 22.10.97
D.R (J)

sk

7/11/97
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TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL BY
HYDERABAD

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

AND

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

Dated: 22/10/95

ORDER/JUDGMENT

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

in
D.A.NO. 321/95

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

