

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 16.08.2000

OA No.112/98

Radhey Shyam Gupta S/o Shri Mohanlal working as Extra  
Departmental Branch Postmaster, Newar, Distt. Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary to the Govt. of India, Ministry of Communications, New Delhi.
2. The Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Director, Postal Services, Jaipur Region, Jaipur.
4. Supdt. of Post Offices, Jaipur Mofussil Division, Jaipur.

.. Respondents

Mr. K.L.Thawani, counsel for the applicant.

Mr. Hemant Gupta, Proxy counsel to Mr. M.Rafiq, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. S.K.Agarwal, Judicial Member

In this Original Application filed under Section 19 of the Administrative Tribunals Act, applicant makes following prayers:

1. To direct the respondents to reinstate the applicant in service and to quash oral orders issued for the same.
2. In case the applicant has been put off duty then such order may also be quashed and
3. In case the applicant is put off duty, the

subsistence allowance should be paid to the applicant.

2. Reply was filed. In the reply it is stated that the applicant was served with a memorandum of charges dated 8.1.1998 and no order of removal from service was issued. It is also stated that written orders were issued to put off the applicant from duty under Memo No. F6-4/97 dated 8.1.1998. The charge against the applicant has been that applicant has misappropriated the Government money of Rs. 3,000 in 6 Recurring Deposit Accounts standing at Newar Branch Post Office by not accounting for the amount tendered for deposit in Pass Books as also in the Register.

3. Rejoinder and reply to rejoinder have also been filed which are on record.

4. Heard the learned counsel for the parties and also perused the whole record. On the perusal of order at Ann.R1, it appears that applicant was put off duty in contemplation of chargesheet under Rule 9 of the P&T ED Agents (Conduct and Service) Rules, 1964. It is also evident from the order dated 5.6.1998 that an order has already been passed by the Superintendent of Post Offices, Jaipur for payment of Subsistence Allowance as admissible to the applicant which is reproduced below:

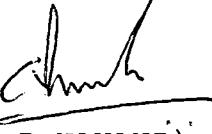
*Shyam*  
"In Pursuance of Sub-Rule 3 of Rule 9 of P&T EDAS (Conduct & Service) Rules, 1964, Shri Radhey Shyam Gupta, EDBPM, Newar B.O. is account with Banskho S.O. under Dausa H.O. who was placed under put off duty on 12.1.98 Afternoon vide this office Memo

No.F6-4/97 dated 18.1.98 will draw compensation as exgratia payment as follows:-

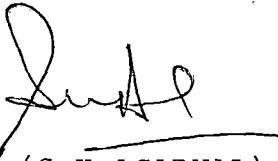
The compensation as exgratia payment will be the amount equal to 25% of his basic allowance together with admissible dearness allowance thereon on such 25% of basic allowance with effect from 12.1.98 Afternoon till further orders"

5. On the perusal of the averments made before us, it becomes abundantly clear that no order was issued by the respondent department to terminate the services of the applicant. Therefore, prayer of the applicant to reinstate the applicant is infructuous. From the perusal of the averments made by the respondents, it also becomes clear that applicant was put off duty vide order dated 8.1.1998 and orders have already been issued to the applicant for payment of subsistence allowance. It is not the case of the applicant that he has not been paid any amount in pursuance of the order dated 8.1.1996. Therefore, applicant has no case for interference by this Tribunal.

6. We, therefore, dismiss this Original Application with no order as to costs.

  
(N.P. NAWANI)

Adm. Member

  
(S.K. AGARWAL)

Judl. Member