

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING: BILASPUR

Original Application No.203/645/2018

Bilaspur, this Wednesday, the 11th day of July, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Amar Bilas Toppo S/o Late Pawal Toppo,
Aged 48 years, Occupation-Service,
presently suspended from the post of Branch Post Master,
Kunjara, Tahsil Kunkuri District Jashpur (C.G.)
R/o village Kunjara, Tahsil Kunkuri
District-Jashpur (C.G.)

-Applicant

(By Advocate –**Shri Malay Shrivastava**)

V e r s u s

1. Union of India, through Secretary
Department of Post Ministry of Post
Dak Bhawan,
Sansad Marg
New Delhi 110001

2. Superintendent Post Office
Raigarh Division,
Raigarh (C.G.) 496001

3. Assistant Superintendent Post Office,
Jashpur Nagar Sub Division
District Jashpur (C.G.) 496331

4. Post Master Post Office
Raigarh (C.G.) 496001

5. Deputy Post Master Kunkuri
District Jashpur (C.G.) 496225

- Respondents

(By Advocate –**Shri Vivek Verma**)

O R D E R (Oral)**By Navin Tandon, AM:-**

The applicant is working as Branch Post Master with the respondent-department.

2. Subsequent upon filing of an FIR No.82/2015 dated 22.05.2015 (Annexure A-3), the applicant was put off duty on 02.07.2015 (Annexure A-4).

3. Learned counsel for the applicant submits that in the said FIR there is another co-accused by the name Shri Jageshwar Sai Paikra, who was also suspended by his employer. The said person approached Hon'ble High Court of Chhattisgarh at Bilaspur in WPS No.2700/2018. In its order dated 28.03.2018 (Annexure A-5) the Hon'ble High Court has passed the following order:-

*"1. The grievance of the Petitioner is the order of suspension which has been passed on 07.05.2016. He submits that the reasons for passing of the suspension was the criminal case in which the Petitioner was implicated and in the said case, the Petitioner had been put in custody for more than 48 hours. He submits that subsequently, the Petitioner has been released on bail and the order of suspension remains in operation for two years. He submits that till now, the charge has not been framed in the criminal case and that there is no reason for prolonging the suspension by the Respondent authorities. He submits that the case of the Petitioner may be disposed of with a direction to Respondent No.1 to consider the case of the Petitioner whether there is any requirement to prolong suspension and the case of the Petitioner may be decided in the light of the judgment of the Hon'ble Supreme Court in case of **Ajay Kumar Choudhary v. Union of India through its Secretary and Anr.** {(2015) 7 SCC 291}.*

2. *The prayer made by the Petitioner is not opposed by the State Counsel.*
3. *Accordingly, the writ petition stands disposed of with a direction to the Respondent No.1 to consider the case of the Petitioner, particularly, keeping in view of the judgment of the Hon'ble Supreme Court in case of **Ajay Kumar Choudhary** (Supra) and particularly considering the aspect whether there is need for further continuing suspension of the Petitioner or not. The Respondents shall also take recourse of Circulars issued by State Government in this regard. Let this exercise be done within a period of 60 days from the date of receipt of a certified copy of this order."*
4. Learned counsel for the applicant submits that his case may also be considered in the same fashion as above.
5. Shri Vivek Verma, learned counsel appears on behalf of the respondents on receipt of advance copy of O.A. and submits that he has no objection if this Original Application is disposed of in above terms.
6. Accordingly, this Original Application is disposed of at admission stage itself, without going into the merits of the case, by directing the competent authority of the respondent-department to consider the applicant's case keeping in view the judgment passed by the Hon'ble High Court of Chhattisgarh at Bilaspur in Writ Petition (S) No.2700/2018, within a period of 60 days from the date of receipt of a certified copy of this order.

(Ramesh Singh Thakur)
Judicial Member

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(Navin Tandon)
Administrative Member