

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00093/15**

Date of Order: 22.01.2019

C O R A M

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Suresh Prasad Singh, S/o Late Chandra Ram, resident of Village & PO- Sabhari, PS- Nardiganj, District- Nawada.

..... Applicant.

- By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India through the Secretary cum DG, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Bihar, Patna.
3. The Director of Postal Services (HQ), O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Superintendent of Post Offices, Nawada Division, Nawada.

..... Respondents.

- By Advocate(s): - Mr. Bindhyachal Rai

O R D E R
[ORAL]

Per Dinesh Sharma, A.M.:- The case of the applicant is that he has been kept on put off duty since the year 2006. Though he was removed from service after conduct of an enquiry in the year 2008, that order was set aside by this Tribunal in OA 629/2008 vide order dated 19.10.2012. However, instead of reinstating him, the Superintendent of Post Offices, Nawada Division put the applicant under deemed put off duty from the date of his dismissal till further orders. The applicant is still continuing on put off duty which is wholly unjustified. He has prayed for setting aside and regularising of his put off duty and for awarding him the cost for this litigation.

2. The respondents while denying the claims of the applicant, have not contested the core facts mentioned in the OA. According to them, a charge sheet has been issued under Rule-10 of GDS (Conduct & Employment) Rules, 2001, as ordered by this Tribunal, vide their Office memo No. CR/SB-01/03-04 dated 27.11.2013. IO and PO have been appointed in connection with holding enquiry into the case. The charge officer has failed to attend enquiry by advancing frivolous pleas of sickness. By evading enquiry he is prolonging the process by resorting to dilating tactics. The charged officer is being paid compensatory allowance at 50% of his TRCA along with admissible DA.

3. We have gone through the pleadings and heard the advocates of both the parties. We enquired from the counsel for the respondents whether the enquiry was still going on and whether the applicant was still on put off duty. The learned counsel for the respondents, after checking with his client, re-confirmed that the applicant is still on put off duty and the enquiry was not yet over. Any disciplinary process which is continuing, in one or another form since the year 2006 is obviously a very very delayed process. Whatever might have been the charges, the applicant has remained under dismissal/put off duty since more than a decade. This much delay in completing a disciplinary process cannot be justified by any reason. The respondents are, therefore, directed to complete this enquiry and take a final decision within the next 60 days after the receipt of this order. They should also take a decision on the matter of his put off duty. The applicant should be immediately reinstated at the end of this period, if they are not

able to finish this enquiry and come to a final decision in this period. Needless to mention, in case the applicant does not cooperate with the enquiry by remaining absent the respondents will be free to act ex-parte against him.

4. In terms of the above direction, this OA is disposed of. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member