

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00478/2016

Order dated: 29.08.2019

CORAM

HON'BLE MR. JAYESH V. BHAIRAVIA, MEMBER [J]
HON'BLE MR. DINESH SHARMA, MEMBER[A]

Harishanker Prasad Srivastava, son of late Raghunath Prasad,
resident of village – Saraiya Narendra, PO – Saraiya Narendra,
A/c with Barauli SO, District – Gopalganj.

..... Applicant.

By advocate: Sri S.K.Tiwary.

Verses

1. The Union of India through the Director General,
Department of Post, Dak Bhawan, Sansad Marg, New
Delhi.
2. The Chief Postmaster General, Bihar Circle, GPO
Complex, Patna.
3. The Post Master General, Northern Region, Muzaffarpur.
4. The Superintendent of Post Offices, Siwan Postal Division,
Siwan.
5. The Assistant Superintendent of Post Offices, East Sub
Division, Gopalganj.

..... Respondents.

By advocate: Sri H.P.Singh.

ORDER [ORAL]

Per Jayesh V. Bhairavia, Member [J]:- In the instant OA, the
applicant has sought for a direction upon the respondents to
pay arrear or TRCA against the suspension period 02.01.2015
to 25.03.2015 with cost.

2. The case of the applicant in brief is as under :-

[i] The applicant was initially appointed as GDSBPM [Extra
Departmental Branch Postmaster] now called as Gramin Dak

Sevak BPM Saraiya Narendra BO in account with Barauli SO in Siwan Postal Division on 10.04.1984.

[ii] The applicant submitted that the Superintendent of Post Offices, Siwan Division, Siwan is the competent authority to put off from duty as he is the appointing authority, but he was put under put off duty vide letter dated 02.01.2015 [Annexure-A/1] by the ASPOs, East Sub Division, Gopalganj under Rule 12[i] of the GDS [Conduct and Engagement] Rules, 2011, since he had not opened the new account and removed the excess cash in Branch Office, which was approved by the Superintendent of Post Offices, Siwan Division, Siwan, vide letter dated 14.01.2015. The applicant submits that the action of the respondents is illegal and against the law.

[iii] The applicant drawn our attention towards Annexure-A/2 letter dated 25.03.2015 issued by the Superintendent of Post Offices, Siwan Division, whereby put off duty of the applicant, Shri Hari Shankar Prasad Srivastava, GDS BPM, Sareya Narendra BO in account with Barauli SO was ordered to be revoked with immediate. The applicant contended that since no disciplinary proceeding was initiated as no case was made out against the applicant, his suspension order was revoked, therefore, he is entitled for arrear of pay or TRCA for the period of suspension, i.e. 02.01.2015 to 25.03.2015, as he

was not paid subsistence allowance/suspension allowance for the aforesaid period.

[iv] The applicant filed representations on 04.10.2015 [Annexure-A/4] for payment of arrear of salary/TRCA for the aforesaid period but till the respondents have not taken any action thereon.

3. The respondents contested the case by way of filing their written statement. The respondents submitted that while discharging the duty of GDS BPM, Sareya Narendra BO in account with Barauli SO, he could not achieve the target allotted to him, like opening of SB Accounts, Gramin Dak Jiwan Bima as informed by the ASPOs [E] Sub Division, Gopalganj despite repeated instructions, and due to non-compliance of the order, the applicant was placed under put off duty by the ASPOs [E], Sub Division, Gopalganj vide order dated 02.01.2015 [Annexure-A/1], which was approved by the Superintendent of Post Offices, Siwan Division, who is the competent authority vide order dated 14.01.2015 [Annexure-Page 15 of the OA].

The respondents submitted that later on after due consideration, the applicant was placed under put off duty from the post of GDSBPM, Sareya Narendra BO in account with Barauli SO which has been revoked by the appointing authority, vide memo dated 25.03.2015 [Annexure-A/2 of the

OA and after revocation of put off duty, the applicant has been discharging his duty of GDS BPM, Sareyan Narendra BO. The respondents very fairly submitted in their written statement at para 10 and 14, that the relief as prayed for by the applicant in para 8 of the OA has already been granted to the applicant since admissible put off duty allowance has already been drawn by the DDO, Gopalganj, therefore, it cannot be said that the respondents acted with malice intention against the applicant.

4. Heard the learned counsel for the parties and gone through the records.

5. The Tribunal noticed that since the respondents have admitted that the relief as prayed for by the applicant in para 8 of the OA has already been granted to the applicant since admissible put off duty allowance has already been drawn by the DDO, Gopalganj, therefore, it cannot be said that the respondents acted with malice intention against the applicant.

6. In the facts and circumstances of the case, the present OA is disposed of with directions upon the respondents to pass speaking and reasoned orders within a period of two months from the date of receipt of a copy of this order with a copy to the applicant, since the respondents have not

enclosed the copy of the order that they have granted to the
applicant the admissible put off duty allowance. No costs.

Sd/-

Sd/-

[Dinesh Sharma]M[A]

[Jayesh V. Bhairavia]M[J]

Mps.