

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.1454 of 2014

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04.03.2016

Between:

Union of India,
represented by the Chief Post Master General,
A.P. Circle and others

..Petitioners

And

Mr.Nazeer Ahmed, and another

..Respondents

Counsel for the petitioners: Mr.B.Narayana Reddy,
Assistant Solicitor General

Counsel for respondent No.1: Mr.D.Sunil Kumar for Mrs.K.Udayasri

Counsel for respondent No.2: --

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The order, dated 26.09.2013, in O.A.No.880 of 2013 and the subsequent order, dated 13.12.2013, in M.A.No.1035 of 2013 in the aforementioned O.A., both on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, (for short 'the Tribunal'), are under challenge in this writ petition.

2. Respondent No.1, who was initially appointed as ED/Packer in ASPARI Sub-Post Office, Adoni Head Office, and promoted as Gramin Dak Sevak (GDS) (Mail Packer) in same Sub-Post Office subsequently, was placed under put off (suspension) duty, *vide* order, dated 23.03.2013, of petitioner No.4. Assailing the same, respondent No.1 filed the aforementioned O.A. By the impugned order, dated 26.09.2013, in O.A.No.880 of 2013, the Tribunal has set aside the order, dated 23.03.2013, of petitioner No.4, on the short ground that in para 4 of the reply filed by the petitioners, the averment that disciplinary action is contemplated is not made. However, a perusal of the order impugned before it shows it is clearly stated therein that disciplinary proceedings against respondent No.1 are contemplated. In our opinion, the Tribunal has committed a serious error in assuming that without contemplating disciplinary proceedings, the petitioners have placed respondent No.1 under suspension.

3. Therefore, the impugned orders, dated 26.09.2013, in O.A.No.880 of 2013 and dated 13.12.2013, in M.A.No.1035 of 2013 in the aforementioned O.A of the Tribunal cannot be sustained and the same are, accordingly, quashed.

4. Mr.D.Sunil Kumar, learned representing Mrs.K.Udayasri, learned counsel for respondent No.1, has submitted that the subsistence allowance is not being paid to his client by the petitioners.

5. Therefore, the petitioners are directed to pay the entire arrears of the subsistence allowance for the period of suspension to respondent No.1, within a period of one month from today, subject to the latter's eligibility. The petitioners are also directed to conclude the disciplinary proceedings and pass a final order, in accordance with law, within a period of three months from today.

6. Subject to the above directions, the Writ Petition is allowed.
7. As a sequel to allowing the writ petition, W.P.M.P.No.1724 of 2014 and W.V.M.P.No.718 of 2014 shall stand disposed of.

C.V.NAGARJUNA REDDY, J

M.SEETHARAMA MURTI, J

04th March, 2016
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