

(1996) 10 SC CK 0199

In the Supreme Court Of India

Case No : Civil Appeal No. 12772 of 1996 Arising out of SLP (C) No. 1492 of 1996

Asstt. Superintendent of Post Offices and Another

APPELLANT

Vs

P.K. Sankar Narayana Panicker

RESPONDENT

Date of Decision : 04-10-1996

Acts Referred:

Citation : (2001) 9 SCC 369

Hon'ble Judges : K. S. Paripoornan, J;B.P. Jeevan Reddy, J

Bench : Division Bench

Final Decision : Allowed

Judgement

B.P.JEEVAN REDDY, J.-The service is complete.

2. No one appears for the respondent.

3. Special leave granted.

4. The Tribunal has held that the order saying that the respondent must be deemed to have been "put off service pending disciplinary proceedings is not valid in law. Unfortunately, the Tribunal has not referred to Rule 9 of the Extra-Departmental Agents (Conduct & Service) Rules. Rule 9 reads as follows:

"PENDING an inquiry into any complaint or allegation of misconduct against an employee, the appointing authority or an authority to which the appointing authority is subordinate may put him off duty...."

(emphasis supplied)

5. This Rule clearly empowers the appropriate authority to "put off an extra-departmental agent pending an inquiry into any complaint or allegation of misconduct against him. The validity of the said Rule was neither questioned nor was it considered by the Tribunal. In this view of the matter the appeal is allowed and the order of the Tribunal declaring that the order "putting off the respondent

from duty is invalid in law and is set aside. No costs.