
(1999) 04 SC CK 0146
In the Supreme Court Of India
Case No : Slp (C) No. 6390 Of 1995

Secy., Deptt. of Post and Others

APPELLANT

Vs

Chander Pal Singh

RESPONDENT

Date of Decision : 06-04-1999

Acts Referred:

Citation : (2000) AIR 3607(1) : (1999) 9 SCC 194

Hon'ble Judges : S. P. Bharucha, J;R. C. Lahoti, J;N. Santosh Hedge, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. This matter has been placed before a larger Bench by reason of the order dated 22-1-1999. That order notes that counsel stated that there were conflicting views of this Court as regards Rule 9(3) of the Posts and Telegraphs Extra Departmental Agents (Conduct and Services) Rules, 1964.

2. Learned counsel for the appellants has fairly stated that on 13-2-1997 the said rule has been amended to cure the defect that was found in it by this Court in the order made on 10-7-1995 in SLP (C) No. Nil/90 (CC 457, Secretary, Ministry of Communications vs. S. Gundu Achary. This Court there agreed with the conclusion that had been reached by the Central Administrative Tribunal in the case of Peter J. D' SA vs. Supdt. of Post Offices that the said rule was violative of Article 14 of the Constitution of India.

3. The judgment which is said to take a different view is Union of India vs. Kameshwar Prasad, (1997) 11 SCC 650. We find, however, that the constitutional validity of the said rule was not in question. What was held there was that, having regard to the said rule, the Tribunal in that case could not have made orders for payment of allowances for the period the respondents were kept off duty. In other words, it was assumed that the said rule was valid.

4. In these circumstances, the Special Leave Petition is dismissed.