

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/202/2015

HYDERABAD, this the 17th day of March, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



B. Sunil Kumar,
 S/o. B. Ramakrishnaiah,
 Aged about 48 years,
 Working as Sub Postmaster (Under Suspension),
 Tirumalagiri SO Suryapet Division,
 R/o. Tekumatla (V&P) – 508 376.

...Applicant

(By Advocate :Sri ABLN. Pavan Kumar for Sri M. Venkanna)

Vs.

1. Union of India rep. by its
 Secretary to the Government of India,
 Ministry of Communications & IT,
 Department of Posts, DakBhavan,
 SansadMarg, New Delhi – 110 001.
2. The Chief Postmaster General,
 AP Circle, DakSadan,
 Hyderabad – 500 001.
3. The Director of Postal Services,
 O/o. The Postmaster General,
 Hyderabad Region,
 Hyderabad – 500 001.
4. The Superintendent of Post Offices,
 Suryapet Division,
 Suryapet – 508 213.
5. Inspector Posts,
 Suryapet West Sub Division,
 Suryapet – 508 213.

....Respondents

(By Advocate: Smt B. Gayatri Varma, Sr. PC of CG)

ORAL ORDER
(As per Hon'ble Mr. Ashish Kalia, Judl. Member)



The OA is filed seeking the following relief:

“to direct the respondents not to go ahead with the inquiry in respect of the charge under Article I issued vide Memo No.F6-3(a)/2013-14 dated 10-07-2014 till the final outcome of the criminal trial vide FIR No.90/2014 of PS Thirumalgiri in CC No/2014 before the court of Hon'ble Judicial First Class Magistrate at Thungathurthy and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

2. A criminal case was registered against the applicant on 3rd July, 2014. Thereafter, on 10th July 2014, a charge sheet under Rule 14 has been issued to him. As alleged by the applicant, the charges in the criminal case as well as departmental proceedings are same. This Tribunal, after considering rival contentions, stayed the Departmental proceedings on 11.02.2015 with the following observation, relying on the Hon'ble Supreme Court Judgment Captain Paul Anthony Vs. Bharat Gold Mines Limited, which was continued till date.

“6. In the circumstances and in view of the decision of the Hon'ble Apex Court in Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. & Another [1999(3) SLJ 152], we are of the view that the applicant has made out a *prima facie* case. Accordingly, all further proceedings in pursuance of the Charge Memo dated 10.07.2014 are stayed for a period of 14 days.”

3. Now, as informed by the learned counsel for the applicant, criminal proceedings have come to an end by an order in which the applicant has been acquitted.

4. In view of the above, the interim order passed is hereby vacated and the department is at liberty to proceed further with the inquiry.
5. The OA is disposed of accordingly.



(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER **(ASHISH KALIA)**
JUDICIAL MEMBER

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