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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 456/89

For the Petitioner

Dt. of Decision: 18-2-93

Shri T. Narayana Rao

Petitioner

Shri I. Dakshina Murthy

Advocate for
the Petitioner
(s)

Versus

The Accountant General, Hyderabad. Respondent.
& 3 others.

Shri G. Parameshwara Rao

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. Justice V. Neeladri Rao, Vice-Chairman.

THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1, 2, 4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA No. 456/89

Date of decision : 18-2-93.

Between

Shri T. Narayana Rao : Applicant

And

1. The Accountant General (Audit) I
A.P., Hyderabad-500 463.
2. The Accountant General (A&E)
A.P., Hyderabad-500 463.
3. The Comptroller & Auditor General of India
10, Bahadur Shah Jafar Marg.
New Delhi-110 002.
4. Member, Audit Board & Ex-Officio Director
Commercial Audit,
A.G's office Complex,
Hyderabad-500 463. : Respondents

COUNSEL FOR THE APPLICANT : Shri I. Dakshina Murthy

COUNSEL FOR THE RESPONDENTS : Shri G. Parameshwara Rao.

CORAM

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman.

Hon'ble Shri R. Balasubramanian, Member (Admn.)

(Judgement of the Divn. Bench delivered by Justice
Shri V. Neeladri Rao, Vice-Chairman)

This OA is filed by the applicant praying for a direction to the Respondent 1 to regularise the period of suspension from 20-3-79 to 19-5-80. The applicant was suspended with effect from 20-3-79 pending contemplated disciplinary proceedings. The said order of suspension was challenged in WP No. 2283/80. The High Court was pleased to suspend the said order of suspension by way of an

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Interim order and then the applicant was reinstated with effect from 20-5-1980. It is admitted even for the applicant that the said disciplinary enquiry is not over. The question as to how the period of suspension is to be treated depends upon the final order in the enquiry proceedings. As the said enquiry is not yet over, there cannot be any direction to the Respondent 1 to regularise the period of suspension from 20-3-79 to 19-5-80.

The applicant herein along with others filed a Writ Petition No. 2665/82 wherein it was contended inter alia that the CCS (Conduct) Rules, 1964 were not applicable to the petitioners therein. The said WP was allowed by upholding the said contention of the petitioners therein and the same was affirmed in Writ Appeal No. 764/82. Then the respondents herein had preferred the appeal before the Supreme Court (Civil Appeal No. 4047/4048 of 1989). The Supreme Court passed the following order by way of an Interim order pending disposal of the appeals on 26-10-90 in IA No. 142:

" We are of the view that the enquiry should go on, lest it should become too late to elicit evidence on the questions. Nevertheless, the inquiry must not be concluded by any final order pending decision in this matter. The applications are disposed of accordingly".

It is submitted in view of the said Interim order, even though the inquiry is over, the concerned authority has not passed any final order in regard to the inquiry initiated. The learned counsel for the applicant herein submitted that the above order was passed only at the instance of some of the respondents in those appeals and the applicant had not

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applied for vacating the Interim order passed by the Supreme Court suspending the operation of the judgement in Writ appeals pending disposal of the appeals. It is not for this Tribunal to pass any order either by way of modifying or clarifying the Interim order passed by the Supreme Court. Any how, in view of the relief claimed in this OA, ~~in view of the relief claimed in this OA~~, it would suffice to observe that until further order is passed in the inquiry, the applicant is not entitled to claim any direction to Respondent 1 to regularise the period of suspension for the period referred to.

For the reasons stated above, this OA does not merit consideration and accordingly it is dismissed with no costs.

R. Balasubramanian

HR
(V. Neeladri Rao)
Vice-Chairman

(R. Balasubramanian)
Member (Admn.)

(Dictated in the Open Court)

Dated 18th February, 1993.

8/3/93
Dy. Registrar (J)

To

NS

1. The Accountant General (Audit I) A.P.Hyderabad-463.
2. The Accountant General (A&E) A.P.Hyderabad-463.
3. The Comptroller & Auditor General of India,
10, Bhadur Shah Jafar Marg, New Delhi-2.
4. The Member, Audit Board & EX-Officio Director,
Commercial Audit, A.G's Office complex, Hyderabad-463.
5. One copy to Mr. I. Dakshinamurthy, Advocate, CAT.Hyd.
6. One copy to Mr. G. Parameswara Rao, SC for AG.CAT.Hyd.
7. One spare copy.

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