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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 985/89.
--T.A.No.--

Date of Decision : 10.6.1991

K.Ramanadham

Petitioner.

Shri K.Ananth Rao

Advocate for the
petitioner (s)

Versus

The Director of Postal Services,
Northern Region, Hyderabad-1 & 2 others

Respondent.

Shri N.Bhaskara Rao,
Addl. CGSC

Advocate for the
Respondent (S)

CORAM :

THE HON'BLE MR. J.Narasimha Murthy : Member (Judl)

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter 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)


HJNM
M(J)


HRBS
M(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.985/89.

Date of Judgment 10.6.1991.

K.Ramanadham

.. Applicant

Vs.

1. The Director of
Postal Services,
Northern Region,
Hyderabad-1.

2. The Superintendent,
Postal Stores Depot,
Charminar,
Hyderabad.

3. Shri R.Subramanyan,
S/o Not known,
Asst. Director (Admn),
O/o the Chief
Postmaster-General,
Hyderabad.

.. Respondents

Counsel for the Applicant : Shri K.Ananth Rao

Counsel for the Respondents: Shri N.Bhaskara Rao,
Addl. CGSC

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

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

{ Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) }

This application has been filed by Shri K.Rama-
nadham under section 19 of the Administrative Tribunals
Act, 1985 against the Director of Postal Services,
Northern Region, Hyderabad-1 and 2 others.

2. The applicant who joined as a Clerk in the Postal
Department in the year 1966 had, after promotions

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in due course, risen to the position of Inspector of Post Offices (Uniforms), Postal Stores Depot, Hyderabad at the relevant time. He was placed under suspension in the year 1985 alongwith one Shri K.V.Ramana, Clerk of Secunderabad Head Office. The respondents had filed a police case and a case had been registered by the Abids Police Station who, after investigation, have handed over the case to the Central Crime Station, Hyderabad. While so, the respondents initiated departmental action also against the applicant and an Inquiry Officer was appointed. The applicant asked for several documents and out of the 174 documents he asked for, the Inquiry Officer could not give him 34 documents. Moreover, as the departmental enquiry was progressing ~~arrests~~ several other errors were made by the police in connection with the criminal case, and it is stated that a number of persons who did not figure as delinquent officers in the departmental enquiry and had been examined as witnesses in the departmental enquiry have subsequently been arrested by the police in the criminal case. The applicant apprehends that the departmental proceedings could adversely affect the criminal case pending with the Crime Branch. The applicant has represented to the respondents to stop the departmental enquiry till the disposal of the criminal case. But the respondents had vide their impugned letter, dated 30.11.89 rejected his request stating that as per the amended Rule 80 of P&T Manual Vol.III and after deletion of Rule 81 ibid and also as per the instructions available on the subject the disciplinary proceedings can be continue

simultaneously with the criminal case. The applicant prays that the impugned order of 30.11.89 be declared illegal and seeks a direction to the respondents to set aside the departmental enquiry while a criminal case is pending in a court of law.

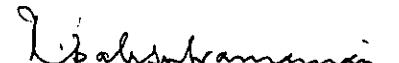
3. The prayer is opposed by the respondents who see no harm in continuing the departmental enquiry side by side with the criminal proceedings by the police. It is their contention that the applicant would be provided ample opportunities to establish his innocence in the departmental enquiry.

4. We have examined the case and heard the learned counsel for the applicant and the respondents. While admitting the application on 20.12.89 this Bench had passed an interim order that till the disposal of the main case the departmental proceedings be suspended. In April, 1991, the respondents filed an M.A. No. 366/91 to get the stay vacated. While disposing of the M.A. the Bench had ordered that the case be put up for early hearing and the case was heard on 25.4.91. It is an undisputed fact that the applicant already figures in a criminal case lodged by the respondents. It has also not been disputed that some of the witnesses already examined in the departmental enquiry are subsequently implicated in the criminal case. Under these circumstances the compulsion of the applicant to defend himself in the departmental enquiry may hamper his interest

in the criminal case pending with the police. In a somewhat similar case the Bench had already ordered that the departmental enquiry be stayed till the outcome of the criminal case is known. Applying the same logic and under the circumstances stated by the applicant we order the respondents not to proceed with the departmental enquiry till the disposal of the criminal case pending against the applicant. There is no order as to costs.

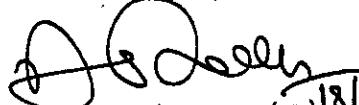


(J. Narasimha Murthy)
Member (Judl).



(R. Balasubramanian)
Member (Admn).

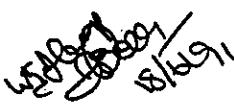
Dated

10th June 91  Deputy Registrar (J) 18/6/91

To

1. The Director of Postal Services,
 Northern Region, Hyderabad-2.
2. The Superintendent, Postal stores Deptt,
Charminar, Hyderabad.
3. One copy to Mr. K. Anantha Rao, Advocate,
16-2-705/1/13, New Malakpet, Near Rice Mills, Opp: Punjab
National Bank, Hyderabad.
4. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd. Bench.
5. One copy to Hon'ble Mr. R. Balasubramanian; Member (A) CAT. Hyd.
6. One copy to Hon'ble Mr. J. Narasimha Murty : Member (A) CAT. "yd.
7. One spare copy.

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COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA: V.C.
AND

THE HON'BLE MR. D. SURYA RAO: M(J)
AND

THE HON'BLE MR. J. NARASIMHA MURTHY: M(J)
AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATED: 10 $\frac{1}{2}$ 6-1991. ✓

ORDER/ JUDGMENT.

M.A./R.A./C.A. No.

T.A. No.

AN

W.P. No.

O.A. No. 985/89 ✓

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

