

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

DA 393/90.

Dt. of Order: 17-1-94.

M.V.Thomas

...Applicant

Vs.

1. Govt. of Andhra Pradesh represented by its Chief Secretary to Government, General Administration Department, Govt. of Andhra Pradesh, Secretariat Buildings, Secretariat, Hyderabad.
2. The Chairman, Commissionerate of Enquiries, Govt. of Andhra Pradesh, General Administration Dept., Secretariat Buildings, Secretariat, Hyderabad.
3. Union of India, Department of Personal, Ministry of Home, New Delhi.

...Respondents

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Counsel for the Applicant : Shri G.Gopal Rao

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC  
Shri D.Pandu Ranga Reddy, Spl. counsel for AP State

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CORAM:

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (B)

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DA 393/90.

Dt. of Order: 17-1-94.

(Judgment as per Hon'ble Shri A.B.Gorthi, Member (A) ).

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The applicant, ~~is~~ an officer of 1955 batch of the Indian Police Service, was posted as the Vice-Chairman of Hyderabad Urban Development Authority. In March, 1987, he was served with a charge memo alleging certain irregularities committed by him while he was Vice-Chairman of the Hyderabad Urban Development Authority. On 30-11-89 he superannuated on attaining the age of retirement. The enquiry into the charges commenced in March, 1990. Aggrieved by the same he has filed this application challenging the validity of enquiry instituted in his case. He further prayed that all the pensionary benefits including Death-cum-Retirement Gratuity due to him should be released.

2. When the application came up for admission an interim order was passed directing the respondents not to pass any final order on the basis of enquiry report till the disposal of the case.

3. During pendency of the O.A. further interim order was passed by this Tribunal directing the Respondent No.1 to pay the applicant the retirement gratuity due to him on the condition that he furnishes security by way of Bank Guarantee to the satisfaction of the Respondent No.1 viz., Chief Secretary to Government of Andhra Pradesh.

4. We are now informed by the learned counsel for the applicant that the Departmental Enquiry is about to be concluded. It is further stated that the applicant furnished the required bank guarantee and accordingly the gratuity amount due to him has since been released.

5. Shri D.Pandu Ranga Reddy, learned standing counsel for A.P.State confirms that the enquiry is in the final stages and is likely to be concluded <sup>soon.</sup> ~~soon.~~ He further states that the bank guarantee furnished by the applicant is due to expire on 28-2-1994.

6. Shri Gopal Rao, counsel for the applicant undertakes to ensure that the bank guarantee furnished by the applicant is further extended ~~beyond~~ 28-2-94.

7. In view of the aforesated position of the case learned counsel for the applicant seeks permission to withdraw this O.A. The application is accordingly dismissed as withdrawn.

8. The Respondents may now proceed further in the matter and pass final orders without any undue delay. Should the applicant feel aggrieved by the final orders of the respondents, it is needless for us to state, that he will be at liberty to proceed further in the matter in accordance with law.

9. As regards the O.C.R.G.amount already released to the applicant, the respondents shall take further action

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in the matter depending on the final orders passed in the case and keeping in view the extant rules governing withholding/release of DCRG. The DCRG amount will not be recovered till final orders in the Disciplinary case are passed, and the applicant has undertaken to renew the bank guarantee before the due date. We make it very clear that this O.A. is dismissed without prejudice to the <sup>contentions &</sup> points which the applicant may raise either before the Departmental or ~~before~~ any other authority.

10. No order as to costs.

T.U.  
(T.CHANDRASEKHAR REDDY)  
Member (J)

Deputy Registrar  
(A.B.GORTHI)  
Member (A)

Dated: 17th January, 1994.  
Dictated in open Court.

Deputy Registrar (J)

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To
1. The Chief Secretary to Govt.of A.P.,  
General Administration Dept., Govt.of A.P.,  
Secretariat Buildings, Secretariat, Hyderabad.
  2. The Chairman, Commissionerate of Enquiries,  
Govt. of A.P. General Administration Dept.,  
Secretariat Buildings, Secretariat, Hyderabad.
  3. The  
Dept.of Personal, Union of India, Ministry of Home, New Delhi.
  4. One copy to Mr.G.Gopal Rao, Advocate, 16-10-27/105/8  
Municipal Colony, Hyderabad.
  5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
  6. One copy to Mr.D.Panduranga Reddy, Spl.Counsel for A.P.Govt.  
CAT.Hyd.
  7. One copy to Library, CAT.Hyd.
  8. One spare copy.

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MR  
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CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO  
VICE-CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY  
MEMBER(J)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 17-1-1994

ORDER/JUDGMENT:

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

O.A.No. 393 ] in 90

T.A.No. ( W.P. )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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