

(31)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.613/91

Date of Order: 27.1.1994

BETWEEN:

B.Govardhana Rao

.. Applicant.

A N D

Union of India represented by:

1. The Secretary to Government,
Department of Posts,
New Delhi.
2. The Postmaster General,
Vijayawada.
3. The Senior Superintendent of
Post Offices, Vijayawada.

.. Respondents.

Counsel for the Applicant

.. Mr.K.S.R.Anjaneyulu

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

TSR
9

Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

On the detection of certain financial irregularities alleged to have been committed by the applicant while he was working as Sub-Postmaster, Mustabad he was placed under suspension under order of ^{competent} authority dated 9.10.90. Subsequently he was served with a charge memo on 5.2.91. The charges referred to financial mismanagement by the applicant of substantially heavy amounts. Departmental disciplinary enquiry was ordered. In the meantime the applicant filed O.A.3/94 challenging the initiation of the disciplinary proceedings while a criminal case on the very same charges against him ~~is~~ pending before a criminal court. In that case this Tribunal passed an interim order staying the departmental proceedings.

2. In the present case ~~is~~ before us, the prayer of the applicant is for a declaration that the prolonged suspension of the applicant is illegal.

3. The respondents filed a counter stating that the allegation against the applicant was that he misappropriated a sum of Rs. 88,435.35 Ps. in some Savings Bank and five year recurring deposit accounts. The case was reported to police and the same was registered under criminal No.141/90. After the applicant was placed under suspension, it was reviewed before completion of 3 months by the competent authority. The said authority came to the conclusion that (there was) no justification for any alteration of subsistence allowance. His representation was duly considered but

To

1. The Secretary to Govt., Union of India,
Dept: of Posts, New Delhi.
2. The Postmaster General, Vijayawada.
3. The Senior Superintendent of Post Offices, Vijayawada.
4. One copy to Mr K.S.R. Anjaneyulu, Advocate, CAT.Hyd.
5. One copy to Mr. N.R. Devraj, Sr. OGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

pvm

4/12/74
PSD
7/10
2/24

33

.. 3 ..

rejected vide orders of the DPS dated 3.7.91.

3. We have heard learned counsel for both the parties. Having heard them and having perused the material before us we are unable to come to the conclusion that the suspension order is in any manner either irregular or illegal. As the charges against the applicant involve *moral turpitude* ~~material aptitude~~ and are serious in nature the respondents are justified in issuing the order of suspension. The same is continuing because ^{of} the pendency of the criminal case against the applicant. The prayer of the applicant for ^{the} set aside the order of suspension is therefore rejected.

4. Mr. K.S.R.Anjaneyulu, learned counsel for the applicant has urged that the competent authority should atleast be allowed to review the case of the applicant for an increase in the subsistence allowance. We would not like to pass any order in this regard. We, however, make it clear that it is open to the competent authority to review the case of the applicant, in case the applicant makes a representation in this regard and to come to a decision with regard to either granting or refusing to grant any increase in the subsistence allowance.

5. With the above observations the application is hereby dismissed. There shall be no order as to costs.

(T.CHANDRASEKHARA REDDY)
Member (Judl.)

(A.B.GORTHI)
Member (Admn.)

Dated: 27th January, 1994

(Dictated in Open Court)

sd

Prabhu 11-2-94
Deputy Registrar (C)

32/10

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NELLADRI 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: 27-1-1994

ORDER/JUDGMENT:

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

O.A.No.

in
613/91

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed off with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

