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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 656/91.

Dt.of Decision : 2-9-94.

Ch. Ayyapa Reddy

.. Applicant.

Vs

1. Union of India rep. by
its Secretary to the Ministry
of Science and Technology,
New Delhi.
 2. The Chairman,
Department of Space,
New BEL Road, Nagishetty Halli,
Bangalore.
 3. The Head, Personnel & General Administration,
Department of Space, Indian Space
Research Organisation, SHAR Centre,
Sriharikota, Nellore District,
Andhra Pradesh - 524 124.
- .. Respondents.

Counsel for the Applicant : Mr. Y. Suryanarayana

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

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

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OA 656/91

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

J U D G E M E N T

Heard Shri Y. Suryanarayana, learned counsel for the applicant and also Shri N.V. Ramana, learned standing counsel for the Respondents.

2. The applicant was convicted for the offence under Sections 120 (B), 409 and 477 (A) of IPC and 5 (1) & 5(2) of Prevention of Corruption Act and sentenced to RI for 3 years on each count and a fine of Rs.1,000/- in default for simple imprisonment for 6 months as per order dated 10-12-90 in C.C 8/82 on the file of Special Judge CBI cases, Visakhapatnam. (The sentence was ordered to run concurrently).

The sentence was suspended by the High Court as per order dated 11-12-90 in Criminal MP SR No. 123/90 and the applicant was ^{advised to be} released on bail on his bond for Rs. 10,000/- with 2 sureties. The applicant who was taken into custody on 10-12-90 was released on 12-12-90 on execution of the bonds.

3. Vide letter No. LDS/D-2(212)/90/1929 dated 3-6-91 it was stated that as the applicant was detained in custody on December, 10th for a period exceeding 48 hours, he is deemed to have been suspended with effect from the date of detention and he shall remain under deemed suspension until further orders. It is stated therein that the said order was passed under Rule 7(2) of CCS CCA Rules.

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To

1. The Secretary to the Ministry of Science and Technology, Union of India, New Delhi.
2. The Chairman, Dept. of Space, New BEL Road, Nagishetty Halli, Bangalore.
3. The Head, Personnel & General Administration, Dept. of Space, Indian Space Research Organisation, SHAR Centre, Sriharikota, Nellore Dist, A.P. 124.
4. One copy to Mr. Y. Suryanarayana, Advocate, CAT. Hyd.
5. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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[Handwritten signature]

The same was assailed in this OA. The operation of the said impugned order is stayed as per Interim order dated 2-8-91 of this Bench.

3. ✓ It is submitted that the criminal appeal against the order dated 10-12-90 in CC No. 8/89 on the file of Special Judge CBI cases, Visakhapatnam was heard, and the judgement is awaited. The question as to how the period from 10-12-90 till the applicant was permitted to attend to duty as per Interim order dated 2-8-91 in this OA ^{has to be treated} depends upon the result in the criminal appeal. As the said order is in force ^{for} from the last 3 years and as it is ~~was~~ represented that the criminal appeal was already heard, it is not just and proper to vacate the stay order. ⁱⁿ With the above view, there is no need to consider the merits of the case, for disposal of this OA ~~or the Interim orders~~ for this OA can be disposed of with a direction that the ~~operation of the impugned~~ ^{interim} order dated 3-6-91 continues ~~to be stayed~~ till the disposal of the criminal appeal against the order dated 10-12-90 in CC 8/89 on the file of Special Judge in CBI cases at Visakhapatnam. The OA is ordered accordingly. No costs./

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

(V. NEELADRI RAO)
VICE-CHAIRMAN

NS

Dated the 2nd September, 1994
Open court dictation

Prabir
7-9-94
Deputy Registrar (J) CC

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

A. B. Goshi

THE HON'BLE MR. ~~R. RANGARAJAN~~ : M (JN)

DATE: *2-9-1994*

~~ORDER~~ JUDGMENT

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

in

O.A.No.

656/91

(T.A.No.

(W.P.NO

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

NO SPARE COPY

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