

(B5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.744/91.

Date of Decision : 2.9.94.

P. Subrahmanyam

.. Applicant

Vs.

1. Union of India,  
Rep. by its Secretary  
to the Ministry of  
Science & Technology,  
New Delhi-1.
2. The Chairman,  
Dept. of Space,  
New BEL Road,  
Nagishetty Halli,  
Bangalore.
3. The Head,  
Personnel & General  
Administration,  
Dept. of Space,  
Indian Space Research Orgn.,  
SHAR Centre, Sriharikota,  
Nellore Dt. (AP)..

.. Respondents

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Counsel for the Applicant :: Shri Y. Suryanarayana

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

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C O R A M:

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

Hon'ble Shri A.B. Gorthi : Member (A)

J u d g e m e n t

As per Hon'ble Shri A.B. Gorthi : Member (A) )

The claim of the Applicant is for setting aside  
the impugned order dt. 3.6.91 issued by Respondent No.3  
placing the Applicant under deemed suspension w.e.f.  
10.12.90.

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2. The Applicant was convicted for offences under sections 120-B, 409, 477-A of the I.P.C. and section 5(1)(c) read with 5(ii) of the Prevention of Corruption Act and was sentenced to suffer rigorous imprisonment for three years and fine of Rs.1,000/- or in default to suffer simple imprisonment for six months as per order dt. 10.12.90 in C.C.No.8/1982 on the file of Special Judge, C.B.I. Cases, Visakhapatnam. The Applicant was taken into custody on 10.12.90 but was released on 12.12.90 on execution of bonds under orders of the High Court of Judicature, Andhra Pradesh at Hyderabad in CRL M.P.(SR) No.123/1990 dt. 11.12.90.

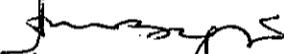
3. The impugned order dt. 3.6.91 states that as the Applicant was in custody for a period exceeding 48 hours from 10.12.90 he is deemed to have been suspended with effect from the date of detention and shall be deemed under suspension until further orders. The said order supposed to have been passed under Rule 7(2) of the Department of Space Employees (Classification, Control and Appeal) Rules, 1976. When this case came up for admission an interim order was passed on 2.8.91 staying the operation of the interim order, the impugned order dt. 3.6.91.

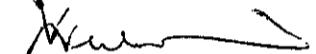
4. It is submitted that the criminal appeal against the order dt. 10.12.90 in C.C.No.8/1982 on the file of Special Judge, C.B.I. Cases, Visakhapatnam was heard, and the judgement is awaited. The question as to how the period from 10.12.90 till the Applicant was permitted to attend to duty as per interim order dt. 2.8.91 in this O.A. has to be treated depends upon the result in the criminal app

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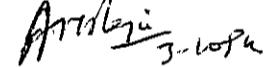
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As the said order is in force for the last three years and as it is now represented that the criminal appeal was already heard, it is not just and proper to vacate the stay order. In the above view, there is no need to consider the merits of the case for this O.A. can be disposed of with a direction that the interim order dt. 3.6.91 continues till the disposal of the criminal appeal against the order dt. 10.12.90 in C.C.No.8/1982 on the file of Special Judge, C.B.I. Cases, Visakhapatnam. The O.A. is ordered accordingly. No costs. /

  
( A.B.Gorthi )  
Member (A).

  
( V.Neeladri Rao )  
Vice-Chairman.

Dated the 2nd Sept., 1994.  
Open Court dictation.

  
Deputy Registrar (J)CC

To

1. The Secretary, to the Ministry, of Science & Technology, Union of India, New Delhi-1.
2. The Chairman, Dept. of Space, New BEL Road,
3. The Head, Personnel & General Administration, Dept. of Space, Indian Space Research Organisation, SHAR Centre, Sriharikota, Nellore Dist. (AP)
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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pvm

Dr. S. R. Rao