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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.172/92

Date of Decision: 13.3.1992

BETWEEN:

G.Reddeppa .. Applicant.

A N D

Union of India, rep. by
Superintendent of Post
Offices, Tirupathi .. Respondent.

Counsel for the Applicant .. Sri N.Rama Mohana Rao

Counsel for the Respondent .. Sri N.Bhaskara Rao, Addl.CGS

CORAM:

HON'BLE SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

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

(JUDGEMENT OF THE DIVISION BENCH AS PER
HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)).

This application is filed under Section 19
of the Administrative Tribunals Act to call for the records
relating to and connected with the Memo No. F3/15/80-81 dated
7.2.1992 as well as F3/15/80-81 dated 17.2.1992 of the respondent
and to set aside the same holding it unsustainable and for
passing such other or further orders as are deemed fit and
proper in the circumstances of the case.

2. The facts giving rise to this OA in brief
may be stated as follows:

3. The applicant had worked as Postal Assistant
at Chandragiri Head Office in Chittoor District. In the

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court of the IV Addl. District Munsiff Magistrate, Chittoor the applicant was tried of offences under sec. 120-B, 468 & 419 I.P.C. in C.C.No.315/90. As per Judgement dated 10.12.1990 in the said C.C.No.315/90 the IV Addl. District Magistrate, Chittoor found the applicant guilty of the said offences under sec.120-B, 468 & 419 I.P.C. and convicted and sentenced him for the same to suffer imprisonment for a period of two years. As against the said conviction and sentence in the said C.C.No.315/90, the applicant preferred criminal appeal No.202 of 1990 on the file of the District & Sessions Judge, Chittoor. The District & Sessions Judge, Chittoor, as per his Judgement dated 3.1.1992 confirmed the conviction of the applicant of the offences under secs.120-B, 468 & 419 I.P.C., but reduced the sentence from two years to one year. As against the said Judgement of the Dist. & Sessions Judge, Chittoor the applicant had preferred Criminal Revision Petition No.25 of 1992 on the file of the Hon'ble High Court of A.P. So, in view of the confirmation of the conviction passed against the applicant and the sentence of one year passed against the applicant by the District & Sessions Judge, Chittoor the applicant was taken into custody on 3.1.1992 and had been detained. So, the applicant was kept under deemed suspension by the competent authority with effect from the date of detention which is 3.1.1992 in terms of Sub-rule-2 of Rule-10 of the C.C.S. (C.C.A.) Rules, 1965.

3. As already pointed out, the applicant had preferred Revision against the conviction and sentence passed by the District and Sessions Judge, Chittoor. The applicant had also filed Crl.M.P.98 of 1992 in the Criminal Revision No.25/92 on the file of the Hon'ble High Court of AP to release him on bail. As per orders dated 27-1-1992, the

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To

1. The Superintendent of Post Offices,
Union of India, Tirupathi.
2. One copy to Mr.N.Rammohan Rao, Advocate, CAT.Hyd.
3. One copy to Mr.N.Bhaskar Rao, Addl. CGSC. CAT.Hyd.
4. One spare copy.

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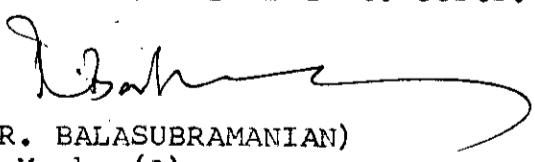
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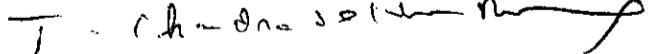
Hon'ble High Court of AP had suspended only the sentence passed against the applicant by the District & Sessions Judge, Chittoor and had ordered him to release him on bail.

4. So, in view of the conviction of the applicant and of the alleged offences under secs. 120-B, 468 & 419 IPC by the IV Addl. District Munsif Magistrate, Chittoor, in CC No. 315/90, as already pointed out which conviction was confirmed by the Distt. and Sessions Judge, Chittoor, the respondents have issued the impugned proceedings dated 7.2.1992 informing the applicant that the respondent proposed to hold an enquiry as against the applicant. The said proceedings issued against the applicant as already indicated above are questioned in this OA.

5. We have heard Sri N. Rama Mohan Rao, Counsel for the applicant and Sri N. Bhaskara Rao, Addl. CGSC for the respondents in this OA.

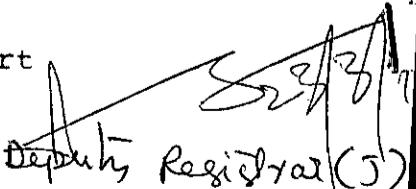
6. It is rather very difficult for this Tribunal to say that the action of the respondents to hold an enquiry as against the applicant is a bar in view of the said conviction of the said offences under Secs. 120-B, 468 & 419 I.P.C. By no stretch of imagination it can be said that the said action of the respondent is either illegal or arbitrary. In our opinion, the said proceedings dated 7.2.1992 which are questioned in this OA are valid and legal. In view of this position, we hold that this OA is liable to be rejected and hence, reject this OA summarily at the admission stage itself under the provisions of Sec. 19(3) of the of the Administrative Tribunals Act. But we make no order as to costs.


(R. BALASUBRAMANIAN)
Member (A)


(T. CHANDRASEKHARA REDDY)
Member (J)

Dated, 13th March, 1992
Dictated in the Open Court

grh


Deputy Registrar (J)

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TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY
DR (J)
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V.C.

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)
AND
THE HON'BLE MR.T.CHANDRASEKHAR REDDY:
M(JUDL)

THE HON'BLE MR.C.J.ROY: MEMBER(JUDL)

DATED 13-3-1992

ORDER/JUDGMENT:

M.A./C.A/ M.A.N.

O.A.NC. 172/92

T.A.NO. (W.P.NO.)

Admitted and interim directions issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Re Central Administrative Tribunal
No order as to costs. DESPATCH

13/3/92
DR JNB
HYDERABAD BENCH