

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.250/92

DATE OF JUDGEMENT:

21<sup>st</sup> APRIL, 1992

BETWEEN

Sri D.S.R.Anjaneyulu

.. Applicant

A N D

1. The Superintending Engineer, Telecom Civil Circle, Hyderabad
2. The Superintending Engineer, Electrical Circle (Telecom) Hyderabad
3. The Chief General Manager Deptt. of Telecommunications AP Circle, Abids, Hyderabad
4. The Member(Services) Department of Telecommunications, Sanchar Bhavan 10, Ashok Rd, Parliament Street, NEW DELHI
5. Executive Engineer, Telecom Civil Division No.II, HYDERABAD

.. Respondents

Counsel for the Applicant

:Sri K.Venkateswara Rao

Counsel for the Respondents

:Sri M.Jagan Mohan Reddy

CORAM:

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

*T. C. Reddy*

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(23)

JUDGEMENT OF THE SINGLE MEMBER BENCH AS DELIVERED BY  
THE HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This application is filed by the applicant herein under Section 19 of the Administrative Tribunals Act to quash the order No.Vig-17/91/109 dated 24.9.1991 passed by the Superintending Engineer, Telecom Civil Circle, Hyderabad suspending the applicant from service and work ~~declare~~ that the suspension of the applicant and continuing him under suspension ~~is~~ is illegal, arbitrary, discriminatory and cannot be justified in the eye) of law and pass such other order or orders as may seem fit and proper in the circumstances of the case.

The facts so far necessary to dispose of this OA may be stated as hereunder:

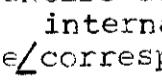
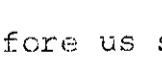
1. The applicant was working as Cashier with effect from 1.4.1991 in the Office of the Executive Engineer, Telecom, Civil Division-II, Hyderabad. According to the respondents, the applicant while he was working as Cashier in the above said office, is said to have demanded Rs.200/- on 18.9.1991 as bribe from one Sri GSN Raju, Contractor for preparing a cheque in his favour pertaining to running bill of the work of construction of cable duct reach-II from Narayanaguda P.S. to Jambagh and was caught red handed by the C.B.I., Hyderabad, when he again demanded and accepted a bribe of Rs.200/- from the said Sr. GSN Raju on 19.9.1991 at about 12.35 noon. So, a criminal case was registered against the applicant. Pending investigation of the criminal case, the applicant was kept under suspension as

per the orders of the 1st Respondent No. Vig/17/91/109 dt. 24.9.91 under Rule 10(1)(b) of the CCS (CCA) Rules, 1965. It is the said suspension order that is question in this OA.

The respondents have stoutly opposed the present OA. 

This OA came up for hearing on 23.3.1992. After ordering issue of notice to the respondents for admission and to list the OA for admission hearing on 6.4.92. hearing  The Bench informed Shri Jagan Mohan Reddy, Standing Counsel for the Respondents to take necessary steps to produce the entire case diary relating to the applicant in the said criminal case which the applicant is said to have been caught red handed when he was receiving a bribe of Rs. 200/- 

admission  
On 6.4.92 when this OA came up again for hearing Shri Jagan Mohan Reddy, Standing Counsel for the Respondents informed the Bench that necessary steps were being taken to produce the entire case diary and he sought further time to produce the said case diary, in which criminal case, the applicant herein was involved. Hence, we ordered to list the OA on 13.4.92.

Today also i.e. on 13.4.92, the said case diary in which the applicant is involved in the criminal case is not produced. But the learned counsel appearing for the respondents has placed before us the entire departmental  internal relating to the applicant. The entire  correspondence even available in the said file produced before us shows that steps have also been taken with the concerned to place before

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this Tribunal the said case diary in which the applicant is involved.

6. We have heard today Mr K. Venkateswara Rao Counsel for the Applicant and Mr. M.Jagan Mohan Reddy, Counsel for the respondents.

7. After hearing both sides, we are of the opinion that the investigation in all probability might have been completed/since more than six months has elapsed from the date of the alleged offence as the investigation may not require much time in view of the facts of this case. Admittedly, the applicant has been kept under suspension with effect from 24.9.1991. The applicant has preferred appeals on 17.10.91 and 21.11.91 to the General Manager, Telecom (Development) and Member (Services) Telecom Commission respectively as against the suspension order. Even though six months time has elapsed as of now from the day the first representation is made, final orders are not yet passed on the said representations. Hence, we are of the opinion that the applicant has exhausted the Departmental remedies by complying with the provisions of Section 20 of the Administrative Tribunals Act, before approaching this Tribunal.

8. The applicant has been kept under suspension as already pointed out in view of the criminal proceeding pending against him. A perusal of the file produced before us by the respondents would also go to show that a Departmental Inquiry had also been initiated as against the applicant and a charge memo has also been issued to the applicant on 2.4.1992. The records further go to disclose that the applicant who was kept under suspension is transferred and posted to the Office of the Superintending Engineer(Electrical) Telecom Electrical Circle, Hyderabad on 25.9.1991. So, as the Departmental Inquiry had been initiated against the applicant and ~~as in our opinion~~, that the investigation

Copy to:-

1. The Superintending Engineer, Telecom, Civil Circle, Hyd.
2. The Superintending Engineer, Electrical Circle (Telecom) Hyderabad.
3. The Chief General Manager, Department of Telecommunications A.P.Circle, Abids, Hyd-bad.
4. The Member(Services) Department of Telecommunications, Sanchar Bhavan, 10, Ashok Road, Parliament Street, New-Delhi.
5. Executive Engineer, Telecom Civil Division No.II, Hyd-bad.
6. One copy to Sri. K.Venkateswara Rao, advocate, CAT, Hyd.
7. One copy to Sri. M.Jagan Mohan Reddy, Addl. CGSC, CAT, Hyd.
8. One spare copy.

Rsm/-

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might have been completed by this time, even though final report has not been submitted by the CBI, we are of the opinion that the interests of justice would be better served if a direction is given to the respondents to issue orders revoking the suspension of the applicant that had been passed against him on 24.9.1991.

9. So, as already pointed out, as departmental inquiry has been initiated against the applicant, it will be fit to direct the respondents to pass appropriate orders with regard to pay and allowances to the applicant for the suspension period at the time of final orders are passed by the ~~said~~ disciplinary authority in the Departmental Inquiry.

10. In the result, we set aside the suspension order No.Vig-17/91/109 dated 24.9.91 issued by the Superintending Engineer, Telecom Civil Circle, Hyderabad, who is the 1st respondent herein and direct the respondents to pass appropriate orders with regard to the reinstatement of the applicant within a period of one week from the date of receipt of this order. We further direct the respondents to pass appropriate orders with regard to pay and allowances for the period of suspension till his reinstatement in accordance with law, depending on the final orders passed by the disciplinary authority in the ~~enquiry~~ departmental proceedings that have been initiated against the applicant. The application is decided accordingly with the above said directions and disposed of at the admission stage itself. In the circumstances of the case we direct the parties to bear their own costs.

T - U —  
(T.CHANDRASEKHARA REDDY)  
Member(Judl.)

Dated: 21 April, 1992

mvl

828  
D 4. ~~Regd. No. (Sect.)~~

Conf'd: 6

O.A. 250792

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

1007

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

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

AND

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

Dated: 21/4/1992. ✓

ORDER / JUDGMENT

R.A. / C.A. / M.A. NO.

in

O.A. No.

250792. ✓

T.A. No.

(W.P. No. )

Admitted and interim directions  
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

29/4/92

pvm.

