

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.310/92.

Date of Judgement 9.6.92.

M.Gopala Krishna Murthy .. Applicant

Vs.

Principal Accountant General,
Audit-I, A.P. Hyderabad. .. Respondent

Counsel for the Applicant : Shri K.Venkateswara Rao

Counsel for the Respondent : Shri G.Parameswara Rao,
SC for IA & AD

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)


I Judgement as per Hon'ble Shri R.Balasubramanian,
Member(A) I

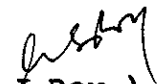
This application has been filed by Shri M.Gopala Krishna Murthy under section 19 of the Administrative Tribunals Act, 1985 against the Principal Accountant General, Audit-I, A.P. Hyderabad with a prayer to set aside the impugned order dt. 23.10.90 suspending the applicant.

2. It is the case of the applicant that the suspension under sub-rule (1) of Rule 10 of the CCS (CCA) Rules, 1965 is illegal. It is his case that the C.B.I. Visakhapatnam which investigated his case has not yet filed a criminal case against him. Against this, the respondents have filed a counter affidavit. It is their case that the C.B.I. after their investigation had advised them to place the delinquent officer under suspension with immediate effect and accordingly he was placed under suspension. ~~drawn under~~ Subsequently a charge-sheet ~~drawn~~ under Rule 14 of the CCS (CCA) Rules, 1965 was also issued to him on 19.11.91 and they, therefore, justified their action. We have seen Rule 10 of the CCS (CCA) Rules, 1965

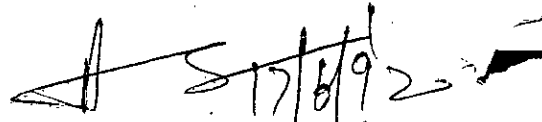
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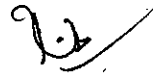
The rule permits the Department to place an official under suspension when a disciplinary proceeding against him is contemplated or pending. Now that a charge-sheet itself has been served on him, we do not find any illegality in the action of the respondents in keeping him under suspension. We, therefore, dismiss the application at the admission stage itself with no order as to costs.


(R. Balasubramanian)
Member(A).


(C. J. Roy)
Member(J).

Dated: 9th June, 1992.


Deputy Registrar(J)



To

1. The Principal Accountant General,
Audit-I, A.P. Hyderabad.
2. One copy to Mr. K. Venkateswara Rao, Advocate
D-18, A.G. Colony, Hyderabad.
3. One copy to Mr. G. Parameswara Rao, SC for IA & AD. CAT. Hyd.
4. One spare copy.

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