

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

20

ORIGINAL APPLICATION NO.332 of 1992

DATE OF JUDGMENT: 23rd April, 1992

BETWEEN:

Mr. MSK Narayana Rao .. Applicant

AND

1. The Joint Agriculture Marketing Adviser,
Director of Marketing & Inspection,
Branch Head Office,
New Secretariat Building,
Nagpur.

2. The Deputy Agricultural Marketing
Adviser,
Incharge, South Central Region,
Guntur. ..

Respondents

COUNSEL FOR THE APPLICANT: Mr. M.V.S. Suresh Kumar

COUNSEL FOR THE RESPONDENTS: Mr. N. Bhaskar Rao, Addl. CGSC

CORAM:

Hon'ble Shri R. Balasubramanian, Member (Admn.)

Hon'ble Shri T. Chandrasekhara Reddy, Member (Judl.)

T - C. A. J.

contd....

.. 2 ..

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This is an application filed under Section 19 of the Administrative Tribunals Act, 1985 by the applicant herein to quash the Memo dated 18.3.1992 issued by the 1st respondent herein as illegal, arbitrary and unjust and pass such other order or orders as may deem fit in the circumstances of the case.

2. The facts giving rise to this OA in brief are as follows:-

The applicant has been working as Store Keeper in the office of the Director of Marketing & Inspection, South Central Regional Office, Guntur. The applicant was involved in a criminal case which is CC 39/89 on the file of the court of Special Judge, CBI Cases, Visakhapatnam. In the said CC 39/89, the applicant was tried of the offences under Sections 409 and 477(A) of IPC and Section 5(2) read with 5(1) C of P.C.Act. As per the Judgment dated 20.12.1991, the applicant herein was found guilty of the said offences mentioned above and was convicted of the said offences and sentenced to suffer imprisonment for a period of 18 months and pay a fine of Rs.1,000/-. As against the conviction and the sentence passed against the applicant in CC 39/89 on the

T. C. R.

contd....

.. 3 ..

file of the court of the Special Judge, CBI Cases, Visakhapatnam, the applicant had preferred a Criminal Appeal ~~Number~~ ~~1309/91~~ on the file of the High Court of Andhra Pradesh, Hyderabad. By the orders dated 31.12.1991 of the High Court of Andhra Pradesh, the applicant had been released on bail on furnishing security in his own bond for the sum of Rs.5,000/- with two surties each for Rs.5,000/- to the satisfaction of the Special Judge for CBI Cases, Visakhapatnam (which is Annexure-I appended to the OA). It is significant to note that, ~~when~~ the High Court of Andhra Pradesh in its order dated 31.12.1991 while granting bail to the accused, has not suspended either conviction or sentence imposed on the applicant. While the matter stood thus, in view of the said conviction as against the applicant, the applicant had been kept under suspension by the respondents as per the ~~order~~ dated 13.3.1992 (Annexure IV). The said suspension order is not in question before us. The proceedings as per the Memo dated 18.3.1992 (Annexure-5), are initiated by the respondents for dismissal of the applicant on the ground of conduct which had led to his conviction ^{for criminal charges} in the said CC 39/89 on the file of the said Special Judge Court, CBI Cases, Visakhapatnam. It is the said memo dated 18.3.1992 that is challenged before this Tribunal as already indicated above.

3. Today, we have heard Mr. M.V.S. Suresh Kumar, learned counsel for the applicant and Mr. N. Bhaskar Rao, learned Standing Counsel for the Respondents. As could

T. C. *[Signature]*

contd....

.. 4 ..

be seen, as of today, the conviction of the applicant of the said offenses under Sections 409, 477(A) of IPC and 5(2) read with 5(1) 6 of P.C.Act, is in force. So, we failed to see how the proceedings as per the said memo dated 18.3.1992 are in any way not valid or arbitrary and capricious.

4. The contention of the learned counsel for the applicant is, dismissal of the applicant at this stage would cause irreparable loss to the applicant.. But as a matter of fact dismissal orders are not passed but only proceedings are issued by way of a show cause notice for dismissal of the applicant. Anyhow, Mr. Naram Bhaskar Rao, Standing counsel for the respondents maintained that if the applicant is acquitted and even though the applicant is ~~not~~ prior to the said acquittal dismissed that the applicant will be entitled for reinstatement and also for back wages and so in view of this, there is no question of the applicant being put to any irreparable loss or injury. We are in complete agreement with the contention of the learned counsel for the ~~app~~ respondents. As the action of the respondents as per the impugned memo dated 18.3.1992 is not in any way arbitrary or illegal, we are of the opinion that it will not be fair to interfere with the said proceedings. Hence, we

T - C - n - f

contd....

24

.. 5 ..

F-H-5
have no difficulty to come to the conclusion that ~~it~~ is a fit matter to be rejected at the admission stage and we accordingly reject the OA under the provisions of the Section 19~~b~~ of the Administrative Tribunals Act, 1995 at ~~the~~ admission stage itself. We make no order as to costs.

(Dictated in the open Court).

R. Balasubramanian

(R. BALASUBRAMANIAN)
Member (Admn.)

T. Chandrasekhara Reddy

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 23rd April, 1992.

Deputy Registrar (J)

5/5/92

To

1. The Joint Agriculture Marketing Adviser,
Director of Marketing & Inspection,
Branch Head Office, New Secretariat Building,
Nagpur.
2. The Deputy Agricultural Marketing Adviser,
Incharge, S.C. Region, Guntur.
3. One copy to Mr. M.V.S. Suresh Kumar, Advocate,
10-5-64/10, Sriramnagar Colony, Masabtank
1st Lancer, Hyderabad-28.
4. One copy to Mr. N. Bhaskar Rao, Addl. CGSC, CAT, Hyd.
5. One spare copy.

pvm.

case
3
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

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: 23-4-1992.

ORDER / JUDGMENT

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

in
O.A. No. 332/92

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.

pvm.

