

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.

\* \* \*

O.A. 963/93

Dt. of Decision : 25.4.1994.

K. Hameeduddin

.. Applicant.

Vs

1. Superintendent of Post Offices,  
Sangareddy.

2. Director of Postal Services,  
Hyderabad Region,  
Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents : Mr. N.V. Raghava Reddy, Addl. CGSC

CORAM:

SHRI A.B. GORTHY : MEMBER (ADMN.)

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

O.A.No.963/93

Dt. of order: 25-4-94

Judgement

[ As per the Hon'ble Sri T.Chandrasekhara Reddy, Member(J) ]

This is an application filed U/s 19 of the A.T. Act to direct the respondents to revoke the suspension as the enquiry has already commenced, and pass such other orders as may deem fit and proper in the circumstances of the case.

2. The facts so far necessary to adjudicate this OA in brief are as follows. The applicant while working as Sub-Post Master in the Admn. Building P.O., BHEL was alleged to have committed fraud to a tune of Rs.27,206.60 ps. So, the applicant was placed under suspension disciplinary action was contemplated disciplinary action against him. After preliminary enquiry, a regular Charge sheet was issued as against the applicant on 28-7-93 under Rule 14 of the CCS(CCA) Rules, 1965. The enquiry against the applicant is pending as on date. It is the case of the applicant that there is no justification in keeping him under suspension as the enquiry had already commenced and so the suspension order is liable to be revoked and the applicant is liable to be reinstated. So, the present O.A. is filed for the relief as already indicated above.

3. Counter is filed by the respondents opposing this O.A.. We had heard Sri S. Ramakrishna Rao, counsel for the applicant and Sri N.V. Raghava Reddy, standing counsel for the respondents.

4. In A.I.R. 1990 SC 1157 Government of Andhra Pradesh Versus V. Sivaraman, the Supreme Court had held that

T. C. S.

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" the order of suspension after a period of six months would not become ~~non est~~ giving an automatic right to reinstatement in service. Where the rules provide for suspending a civil servant and require the authority to report the matter to the government giving out reasons for not completing the investigation or enquiry within six months, it would be for the government to review the case but it does not mean that the suspension beyond six months becomes automatically invalid or non est. The only duty enjoined by such a rule is that the officer who made the order of suspension must make a report to the government and it would be for the government to review the facts and circumstances of the case to make a proper order. It is open to the government to make an order revoking the order of suspension or further continuing the suspension. The order of suspension however, continues until it is revoked in accordance with the law."

of committing fraud of the public money. It is not open for this Tribunal to give a direction to the respondents to revoke the suspension unless the facts and circumstances indicate that the action of the respondents in keeping the applicant under suspension is ~~malicious~~, or keeping the applicant in continued suspension has resulted in grave injustice to the <sup>Applicant</sup> government servant. In view of the facts and circumstances of the case, it cannot be said that keeping the applicant under continued suspension is <sup>an</sup> unjustified action on the part of the respondents. So we see no merits in this O.A. and hence this OA is liable to be dismissed. The O.A. is therefore dismissed accordingly. No costs.

*[Signature]*  
Member (J)

*[Signature]*  
Member (A)

Dt.

*[Signature]*  
DY. Reg. 1602/3

C-007 H-4/-

(3)

O.A. 963/93

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (AD)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 25/4/1994

ORDER/JUDGMENT

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

O.A. No.

T.A. No.

<sup>in</sup>  
963/93

(w.p.)

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

Central Administrative Tribunal  
DESPATCH  
2 JUN 1994  
HYDERABAD BENCH.