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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

DA 1496/93.

Dt. of Order: 27-1-94.

M. Bhimasekhara Rao

....Applicant

1. Sr. Supdt. of Post Offices,
Guntur Division, Guntur.

....Respondent

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Counsel for the applicant : Shri S. Ramakrishna Rao

Counsel for the Respondents : Shri V. Bhimanna, CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (A)

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O.A.NO.1496/93

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

The applicant is a Postal Assistant. Charge Memo dated 18.3.1991 was issued to him. ^{gave} On the basis of the very fact which ~~is given~~ rise to the above Charge Memo, C.C.No. 157/85 on the file of the IV Additional Munsif Magistrate, Guntur was filed. By the order dated 25.8.1993, the applicant was convicted for the offence under Sections 409, ^{it} and 419 IPC and sentenced for RI for two months and to pay ^{a fine of} Rs.500/-. Thereupon, the applicant preferred Criminal Appeal No.193/93 on the file of the I Addl. Sessions Judge, Guntur against the said conviction and sentence. By the order dated 7.9.1993 in Cr.M.P.No.1670/93 in Cr.A.No.193/93, the sentence was suspended. Thereupon, the respondent issued the notice dated 7.9.1993 for proceeding under Rule 19 of the CCS (CCA) Rules. This OA was filed praying for quashing the notice dated 7.9.1993. Heard Sri Ramakrishana Rao for applicant and Sri V.Bhimanna for the respondent.

2. It is open to the disciplinary authority to act on the basis of the conviction by the Criminal Court in exercise of the power under Rule 19 of the CCS (CCA) Rules, but when the said conviction is the subject matter of an appeal, it is just and proper to stay the proceedings under Rule 19 of the CCS (CCA) Rules till the disposal ^a such appeal. So, it is not ~~the~~ ^a matter for quashing the notice dated 7.9.1993 that was already given. But in the circumstances, a direction is given to the respondent not to proceed with the inquiry under Rule 19 of the CCS (CCA) Rules in pursuance of the notice dated 7.9.1993 till the disposal of the Cr.A.

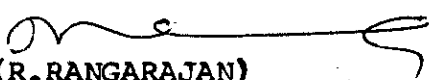
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No.193/93 on the file of the I Additional Sessions Court,
Guntur.

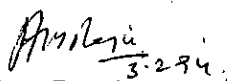
3. The OA is ordered accordingly at the admission
stage. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

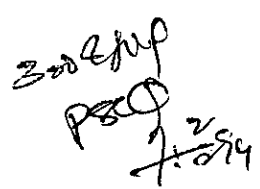
DATED: 27th January, 1994.
Open court dictation.

vsn


3-294
Deputy Registrar (Judl.) cc.

Copy to:-

1. Sr. Supdt of Post Offices, Guntur Division, Guntur.
2. One copy to Sri. S. Rama Krishna Rao, advocate, CAT, Hyd.
3. One copy to Sri. V. Bhimanna, Addl. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.


Rsm/-