

(13)
(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA No.17/93.

Dt. of Order:6-4-93.

Smt.Nanda Savitri

Vs.

...Applicant

1. The Admiral Superintendent,
Naval Dock Yard, Visakhapatnam.
2. The Flag Officer, Commanding
in Chief, Eastern Navel Command,
Visakhapatnam.

...Respondents

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Counsel for the Applicant : Shri K.Vinaya Kumar

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC

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CORAM:

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

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

(Order of the Division Bench passed by
Hon'ble Justice Shri V.N.Rao, V.C.)

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The applicant is working as U.D.C. at Naval Dock Yard, Visakhapatnam. She was placed under suspension on 27-11-91 on the ground of conviction in C.C.No.101/89 on the file of 8th Metropolitan Magistrate, Visakhapatnam. She preferred C.A.No.59/91 on the file of Additional Metropolitan Sessions, Visakhapatnam. On 23-11-92 the first Respondent passed the impugned order dt. No.PES/7401/NS/UDC whereby the period of suspension was continued until further orders.

2. This application was filed challenging that part of the order dt.23-11-92 whereby the suspension was conti-

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To

1. The Admiral Superintendent, Naval Dock Yard, Visakhapatnam.
2. The Flag Officer, Commanding in Chief,
Eastern Naval Command, Visakhapatnam.
3. One copy to Mr. K. Vinaya Kumar, Advocate
Advocates Association, High Court of A.P. Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
5. One spare copy.
6. One copy to Library, CAT. Hyd.

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nued and for a direction to the Respondents to reinstate the applicant with all backwages.

3. It was submitted for the Respondents that as a decision was taken to prefer an appeal, the suspension was continued. It may be noted that the applicant was placed under suspension in view of the order of conviction passed by the learned Magistrate. When once the order of conviction is set aside by the appellate court, there should be compelling reasons for continuing the suspension. But the impugned order does not spell out such compelling reasons. Hence in these circumstances we feel that there are no grounds to continue the suspension after the order of conviction is set aside.

4. Hence it would be just and proper to revoke the order of suspension with effect from 20-4-93 (two weeks time ^{enable} given to the Respondents to take necessary steps) and to direct the Respondents to reinstate the applicant into service. Accordingly we direct the Respondents to reinstate the applicant into service from 20-4-1993. It is needless to say that this order does not debar the Respondents from proceeding with the departmental enquiry in accordance with the rules, if they are so advised. The O.A. is allowed accordingly. No costs.

Neeladri
(V. NEELADRI RAO)
Vice-Chairman

Balasubramanian
(R. BALASUBRAMANIAN)
Member (A)

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Dated: 6th April, 1993.
Dictated in Open Court

8/12/93
Deputy Registrar (C)

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TYPED BY

COMPALED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND

THE HON'BLE MR. R. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

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

DATED: 6-4-1993

ORDER/JUDGMENT

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

in

O.A.No.

17/93

T.A.No.

(W.P.No)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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