

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.297 of 1993

DATE OF JUDGMENT: 2nd September, 1993

BETWEEN:

Mr. C.Ganesh Chetty

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Applicant

AND

1. Union of India, represented by
the Secretary,
Ministry of Communications,
New Delhi-1.

2. The Senior Superintendent of
Post Offices,
Chittoor Division,
Chittoor District, A.P.

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Respondents

HEARD:

COUNSEL FOR THE APPLICANT: Mr. K.Ananth Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. V.Bhimanna, Addl. CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI P.T.THIRUVENGADAM, MEMBER (ADMN.)

JUDGMENT

(As per Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman)

After cancelling the charge memo dated 14.7.1992,
a fresh charge memo dated 23.10.1992 was issued to the applicant
who is Sub Post Master, Chittoor North Post Office. The two
charges as per the said memo are to the effect that he misappro-
priated an amount of Rs.22,100/- in respect of S.B.A/c No.822342
belonging to Shri S.Anandachary ^{during} ~~for~~ the period from 18.5.1991
to 15.5.1992 in not accounting for the various deposits referred-
to therein and making the various withdrawals referred to

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therein ~~xxxxxx~~ even when the depositor had not submitted any cheques/withdrawal forms in regard to the same, and that he did not account for Rs.4,000/-, the amount which was deposited on 18.5.1992 by the customer with S.B.A/c No.822109. This OA is filed praying for quashing the above charge memo dated 23.10.1992.

2. F.I.R.No.84/92 on the file of the Chittoor 2 Town Police Station was registered on 19.6.1992 for the offence under Section 409 IPC as against the applicant herein. The same was registered on the basis of the complaint given to the effect that the applicant misappropriated Rs.40,000/- in relation to the Savings Deposit Account No.98027. It is submitted that later on the matter covered by the F.I.R.84/92 was referred to the CBI for investigation after withdrawing that F.I.R.

3. Though the relief claimed is for quashing the charge memo dated 23.10.1992, the various pleadings in the OA suggest that the applicant prays for ^{staying} ~~suspending~~ the inquiry in pursuance of the charge memo dated 23.10.1992 pending investigation by the CBI, and if the charge sheet is going to be filed in pursuance of the investigation by the CBI, pending disposal of the trial of that case by alleging that if it is not so suspended, the right of the defence of the applicant in the criminal case will be in ~~jeopardy~~. ^{jeopardy}.

4. It is not clear from the pleadings as to whether the matter covered by FIR 84/92 alone was referred to the CBI or whether the incidents referred to in the charge memo dated 23.10.1992 were also referred to the CBI.

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5. So, in the circumstances, it is just and proper to pass the following order:-

The respondents are restrained from proceeding with the inquiry in pursuance of the charge memo dated 23.10.1992, if they are also referred to the CBI for investigation, till the said investigation is over and if a charge sheet is going to be filed in regard to the same, till the trial in regard to the same is over.

6. The OA is ordered accordingly. No costs.

(Dictated in the open Court).

P. J. 2 C
(P.T.THIRUVENGADAM)
MEMBER (ADMN.)

V. Neeladri Rao
(V.NEELADRI RA)
VICE CHAIRMAN

Dated: 2nd September, 1993.

8/9/93
Deputy Registrar(J)

To vsn

1. The Secretary, Union of India,
Ministry of Communications, New Delhi-1.
2. The Senior Superintendent of Post Offices,
Chittoor Division, Chittoor Dist.A.P.
3. One copy to Mr.K.Ananth Rao, Advocate, 16-2-705/1/13
near Rice Mills, New Malakpet, Hyderabad.
4. One copy to Mr.v.Bhimanna, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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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 (A)

AND

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

AND

THE HON'BLE MR. P. T. EIRUVENGADAM : M (A)

Dated: 2-9-1993

ORDER/JUDGMENT:

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

in

O.A.No. 297/93

T.A.No. (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

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