

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

DA 3/94.

Dt. of Order:17-1-94.

B.Govardhan Rao

...Applicant

Vs.

1. The Sr.Superintendent,
Post Offices, Vijayawada Division,
Vijayawada.
2. The Superintendent of Post Offices,
Machilipatnam, Krishna District.

...Respondents

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Counsel for the Applicant : Shri K.Anantha Rao

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.RANGARAJAN : MEMBER (A)

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.2.

DA 3/94
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JUDGMENT

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

Heard Shri K.Anantha Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant was first appointed as Extra Departmental Agent. Later he was regularly appointed in the postal department. In 1988, he was posted as Sub Post Master at Mustabad, Krishna District. For some alleged irregularities, the applicant was placed under suspension by the order dated 9.10.1990. Charge memo dated 5.2.1991 was issued to the applicant. It refers to 9 charges and all of them are in regard to the alleged misappropriation. A complaint was given to the police in regard to the same and it was registered as Crime 141/90 of Gannavaram Police Station for the offences under Sections 409 and 420 IPC. The charge sheet filed thereon was registered as CC 124/90 on the file of the X Metropolitan Magistrate, Vijayawada at Gannavaram. That CC is still pending.

3. This OA was filed praying for a declaration that the departmental inquiry initiated as per the memo No.F-4-4/90-91, dated 5.2.1991 and in continuation of the same despite the CC 124/90 on the file of the X Metropolitan Magistrate, Vijayawada at Gannavaram, is illegal and for setting aside the same.

4. The main contention for the applicant is that it will cause prejudice to him if the departmental inquiry is proceeded with when the CC 124/90 was filed in regard to the very same alleged misappropriation. There is force in the above contention for the applicant.

contd....

20/9/90

.. 3 ..

5. Hence, the respondents are ~~x~~ restrained from proceeding with the departmental inquiry in pursuance of the charge memo No.F-4-4/90-91, dated 5.2.1991 till the disposal of the CC 124/90 on the file of the X Metropolitan Magistrate, Vijayawada at Gannavaram.

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


(R.RANGARAJAN)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 17th January, 1993.
Open court dictation.


Deputy Registrar (J)

vsn

To

1. The Sr.Superintendent, Post Offices,
vijayawada Division, vijayawada.
2. The Superintendent of Post Offices,
Machilipatnam, Krishna Dist.
3. One copy to Mr.Anantha Rao.K. Advocate
16-2-705/1/13, New Malakpet, Near Rice Mills, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

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2.24.94.
7.11.94.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : 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(J)

AND

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

Dated: 17 - 1 - 1994

~~ORDER~~/JUDGMENT:

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

O.A.No.

in

3/94

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.

pvm

