

(11)

In the Central Administrative Tribunal, Hyderabad Bench
Hyderabad.

OA 1329/94

Dt. 28-12-94

Between

M. Jagadishwar

Applicant

And

The Sr. Deputy Accountant General (Admn.)
Office of the Principal Accountant
General (Audit) I, Andhra Pradesh,
Hyderabad-500 463

Respondents

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Counsel for the applicant Shri B. VeeraBhadra Rao
Counsel for the Respondents Shri G. Parameshwar Rao

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Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman
Hon'ble Shri R. Rangarajan, Member (Admn.)

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OA 1329/94

{ AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN }

J U D G E M E N T

No One is present for the applicant though it is again listed for dismissal to-day also.

Shri G. Parameshwar Rao, learned standing counsel for the Respondents present.

2. This OA was filed praying for a declaration that Sub-rule (2) of Rule 10 of Central Civil Services (Classification, Control and Appeal) Rules 1965 ^{is} void being illegal, and unconstitutional being violative of articles 14, 16 & 21 of the Constitution of India and consequently ^{to} quash the proceedings of the respondent in office order No. 6 vide proceedings No. Prl.AG(Au)I/Co-ordn Cell/DG-I/8-128/94-95/23 dated 23-8-94. The applicant was arrested in crime No. 161/94 on the file of Musheerabad Police Station registered under Section 304 B IPC and he was in judicial custody for about 5 weeks. Hence he was under deemed suspension from the date of his arrest and that order of suspension is not yet revoked.

3. Appeal lies against the above order of suspension under Rule 23 sub-rule (i) ^{of} CCS CCA Rules.

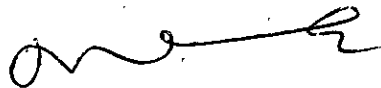
4. As the applicant is challenging the very sub-rule 10 of CCS CCA Rules which provides for deemed suspension in case the Central Government employee remains in police custody for 48 hours or more, ^{it} is not ^a just a case for dismissing the OA on ^{the} mere ground that there is an alternative remedy.

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4. But as there is no representation for the applicant even though it was posted for dismissal on 22/23-11-94 and to-day ~~for dis-~~
~~missal~~ and as no one is present for the applicant even to-day, this OA is dismissed for default. But we make it clear that if the applicant is interested, he is free to prefer an appeal against the impugned order, under Section 23 sub-rule (1) of CCS CCA Rules.
No costs. /



(R. RANGARAJAN)
Member (Admn.)



(V. NEELADRI RAO)
VICE-CHAIRMAN

Dated the 28th December, 1994
Open court dictation

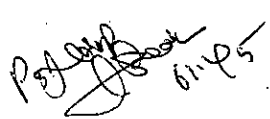
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Deputy Registrar(J)CC

To

1. The Sr. Deputy Accountant General (Admn.)
O/o the Principal Accountant General (Audit) I,
Andhra Pradesh, Hyderabad-463.
2. One copy to Mr. B. Veerabhadra Rao, Advocate, 31 Law Chambers,
High Court Building, Hyderabad.
3. One copy to Mr. G. Parameswar Rao, SC for AG CAT. Hyd.
4. One copy to Library, CAT. Hyd.
5. One spare copy.

pvm



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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. R. RANGARAJAN : M(ADMIN)

DATED: 28-12-1994

ORDER/JUDGEMENT:

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

in

O.A.No.

1329/94.

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

DVM

