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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1495/94.

Dt. of Decision : 24.1.95.

P. Appa Rao

.. Applicant.

Vs

1. Lt.Gen
Commandant,
Military College of Electronics
and Mechanical Engineering,
Trimulgherry P.O. ---

2. Union of India, rep. by
Secretary Defence, New Delhi.

.. Respondents.

Counsel for the Applicant : Mr. Prabhakar Sripada

Counsel for the Respondents : Mr. N. V. Ramana Addl. CGSC

CORAM:

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

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

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Pat

O.A.NO.1495/94.

JUDGMENT

Dt: 24.1.95

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

Heard Shri Prabhakar Sripada, learned

standing counsel for the respondents.

2. The applicant was arrested for offence under Section 324 IPC which was registered in F.R.No.100/94 on 12.9.1994 on the file of Kushaiguda Police Station. He was released on bail on the very same day as per the order in CrI.MP No.6894/94 in Cr. No.199/94 on the file of the Additional Judicial Ist. The applicant was suspended by the order dated 5.11.94. The same is challenged in this OA.

3. One of the contentions for the applicant is that the impugned order dated 5.11.1994 is not a speaking order.

4. The learned counsel for the respondents submitted that as it is clear from the allegations in the OA that the suspension of the applicant is due to the pendency of the Criminal Case as per Cr.No.199/94 on the file of Kushaiguda Police Station and as there is a right of appeal, the applicant has to exhaust the alternative remedy.

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12/1

contd....

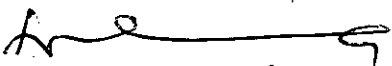
To

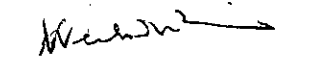
1. The Lt. Gen Commandant,
Military College of Electronics and
Mechanical Engineering, Trimulgherry P.O.
Secunderabad-15.
2. The Secretary, Defence, Union of India, New Delhi.
3. One copy to Mr. Prabhakar Sripada, Advocate, 6-1-320
Walker Town, Secunderabad.
4. One copy to Mr. N.V. Ramana, Addl. Secy
- - - - - , CAT. Hyd.
5. One spare copy.

6. To the Director General of EME, Army HQ
D.H.A. post address
pvm
order dt. 24.1.1955)

5. The impugned order ~~xxxxxxxxxxxx~~ dt.5.11.94 is a case of filling the blanks in the proforma prescribed under Rule 10(1) of CCS (CCA) Rules, 1965. But when it is clear that the said order of suspension was issued in view of the pendency of the criminal case and as there is ~~no~~ it is just and proper to direct the applicant to exhaust the alternative remedy. It is needless to say that the applicant is free to submit before the authority that the offence under Section 324 IPC which is ~~not~~ compoundable with permission of the court and that he ~~had~~ already released on bail, and as no ~~more~~ is involved and the pendency of the criminal case does not effect his duties, it is not in the public interest to continue to keep him under suspension. The authority has to entertain the appeal if it is sent by Registered Post with Acknowledgement Due by posting it by 13.2.1995 and dispose of it ~~within~~ ^{expeditiously} and preferably within 14 days from the date of receipt of that appeal.

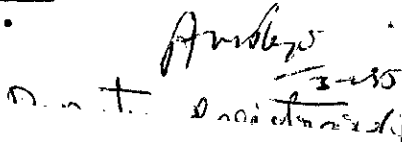
6. The OA is ordered accordingly at the admission stage. No costs./

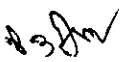

MEMBER (ADMIN.)


(V.NEELADRI RAO)
CHAIRMAN

DATED: 24th January, 1995.
Open court dictation.

vsn





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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: 24-1-1995

ORDER/JUDGMENT:

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

in

O.A.No.

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

Central Administrative Tribunal
DESPATCH

13 FEB 1995

HYDERABAD BENCH