

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 524/94.

Dt. of Decision : 28.4.94.

B. Prasada Rao

.. Applicant.

Vs

The General Manager,
Hyderabad Telecom District,
Suryalok Complex,
Hyderabad.

.. Respondent.

Counsel for the Applicant : Mr. S. Siva Prasad

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.)

JUDGEMENT

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

Heard Shri S. Siva Prasad, learned counsel for the applicant and also Shri N.V. Ramana, learned standing counsel for the Respondent.

2. This OA was filed praying for suspending the order in the proceedings No. ST/PR/BP/94-95 dated 25-4-94 whereby the applicant was suspended from service by holding it as illegal, void and contrary to the rules and regularions and for consequential directions to the Respondent to continue the applicant in service until the case is disposed of by the criminal court and for payment of the arrears of salary due to the applicant.

3. The applicant was working as temporary Casual Labour in the office of General Manager, Hyderabad Telecom district. FIR No. 288/94 was registered in Jeedimetla Police Station against the applicant for the offence under Section 304B of IPC. The applicant was arrested for the said offence on 10-11-93 and on the basis of the said arrest, the applicant was suspended as per impugned order dated 25-4-94 and the same is assailed in this OA.

4. It is stated that the applicant was released on bail on 31-12-93. It is contended for the applicant that no offence under Section 304 B of IPC has arisen as it is a case of death of the wife of the applicant after more than 7 years of her marriage, and hence

the Respondent is not justified in suspending the applicant as per the impugned order.

5. It is open to the Respondent to suspend the applicant under Rule 10 of CCS CCA Rules as it is a case where the applicant was in police custody for more than 48 hours. The rule does not state that suspension has to be revoked the moment the concerned employee is released on bail. It is a matter for consideration by the concerned authority.

6. The question as to whether the provision referred to in the FIR is correct or not, is not a matter for consideration by the concerned authority. The concerned Magistrate has to advert to the same when the charge sheet is ^{filed} ~~issued~~. So it is not for this Tribunal to determine as to whether the ~~provision~~ is correct or not. Hence we do not find any reason to interfere in this ^{case} ~~except~~ to observe that as the applicant was in custody for more than 48 hours on being arrested for the alleged offence, Respondent is ~~empowered~~ to suspend the applicant under Rule 10 of CCS CCA Rules. As there is no provision to the effect that the said suspension comes to an end or it stands revoked the moment the concerned employee is released on bail, the impugned order of suspension cannot be held as illegal. As such, this O.A. does not merit consideration.

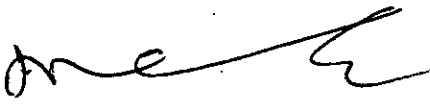
7. If in fact, the applicant was not paid any salary for any period he worked prior to 25-4-94, it is open to him to make a representation to the

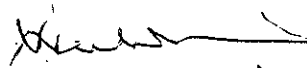
(12)

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concerned authorities requesting for payment
if
of salary and he is aggrieved he can move
this Tribunal. ~~he~~ ^{accidentally}

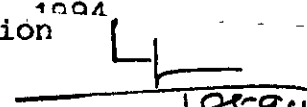
8. The OA is dismissed at the admission
stage itself. No costs. |


(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Open court dictation ¹⁰⁰⁴

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Deputy Registrar (Dudl.)

Copy to:-

1. The General Manager, Hyderabad Telecom District,
Suryalok Complex, Hyderabad.
2. One copy to Sri. S.Siva Prasad, advocate, 3-5-582,
Opp. Gurunakak H.S. Himayatnagar, Hyd-29.
3. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

Rsm/-

17/12

O.A. 524/94

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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 (AD)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 28/4-1994

ORDER/JUDGMENT

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

in

O.A. No.

524/44

~~T.A. No.~~

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Order

No order as to costs.

