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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1047 OF 1995

DATE OF ORDER: 23rd February, 1998

BETWEEN:

C.GANESH CHETTY

.. APPLICANT

AND

1. The Director of Postal Services,
Kurnool Region, Kurnool,
2. The Senior Superintendent of
Post Offices, Chittoor Divn,
Chittoor.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: Mr.KOTA BHASKAR RAO, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.))

Heard Mr.S.Ramakrishna Rao, learned counsel for
the applicant and Mr.Kota Bhaskar Rao, learned standing
counsel for the respondents.

2. The applicant herein was working as LSG P.A,
Chittoor Division. He was convicted and sentenced to
undergo rigorous imprisonment for a period of two years and
to pay a fine of Rs.2,000/- and in default of payment of

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fine, ordered to undergo simple imprisonment for a further period of four months for the offences punishable under Section 409 of IPC and Section 13(1)(c) and (d) read with Section 13(2) of the Prevention of Corruption Act, 1988 in C.C.No.4 of 1993 (in RC No.17(A) of 1992) by the Court of the Special Judge for CBI Cases, Hyderabad, vide judgement dated 31.12.93.

3. As a result of this conviction, the Director of Postal Services issued notice bearing No.INV/4-1/92/KW dated 4.8.95 (Annexure I at page 8 to the OA) directing the applicant to attend his office for conducting the skeleton enquiry as required under Rule 19 of the CCS(CCA) Rules, 1965.

4. The applicant has filed this O.A. challenging the impugned notice dated 4.8.1995.

5. An interim order was passed on 8.9.95 restraining the respondents from proceeding under Rule 19 of the CCS (CCA) Rules, 1965 till 31.12.95 if Criminal appeal No.130/94 on the file of A.P.High Court was not going to be disposed of by then. In case the said appeal was going to be disposed of by 31.12.95 and if the conviction was going to be sustained, then the proceedings under Rule 19 of the CCS (CCA) Rules can be proceeded with.

6. It is now stated by the learned standing counsel for the respondents that in view of the interim order dated 8.9.95, the applicant was not proceeded with under Rule 19 of the CCS (CCA) Rules. The applicant in the meanwhile retired on 30.4.96 on attaining the age of superannuation.

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7. Thereafter he was given only the provisional pension.

8. Now, it is submitted by the learned counsel for the applicant that the Criminal Appeal No.130/94 has been

9. Since the Hon'ble High Court has set aside the conviction and the sentence imposed on the applicant vide its judgement dated 07.08.1996 in C.A.NO.130/94, the impugned notice dated 4.8.95 no longer survives.

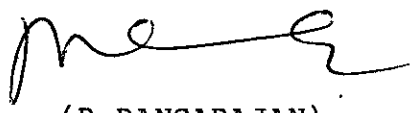
10. In view of the above, the impugned notice No.INV/4-1/92/KW dated 4.8.95 of R-1 proposing to conduct skeleton enquiry under Rule 19 of the ICCS (CCA) rules, 1965 is set-aside as the applicant has been acquitted in Pradesh.

other pensionary benefits in accordance with law. His pension and the final settlement dues should be fixed properly in accordance with law within a period of four months from the date of receipt of a copy of this order.

12. The OA is ordered accordingly. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

23/2/98


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 23rd February, 1998
Dictated in the open court.


B.R.

G. 143
17/3/98
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR:
M(J)

DATED: 23/2/98

ORDER/JUDGMENT

M.A./S.A/C.A.NO.

in

O.A.NO. 1047/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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केन्द्रीय प्रशासनिक न्यायालय Central Administrative Tribunal नियम/DESPATCH 53 MAR 1998 हयराबाद न्यायपीठ HYDERABAD BENCH
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