

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: AT HYDERABAD

CA.322/95

decided on 22-3-95

Between

Pola Prasada Rao : Applicant

and

1. The Sr. Supdt. of Post Offices  
Guntur Division  
Guntur 522007

2. The Director of Postal Services  
O/o the Postmaster General  
Vijayawada Region  
Vijayawada-2

3. The Union of India, rep.by  
the Secretary  
Dept. of Posts, Dak Bhavan  
New Delhi 1                      & Respondents

Counsel for the applicant : T V.V.S. Murthy,  
Advocate

Counsel for the respondents: N.R. Devaraj, SC for  
Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. ~~R.~~ RANGARAJAN, MEMBER (ADMN.)

DA.322/95

Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman )

The applicant was convicted for the offence under section 467, 471 and 409 IPC and sentenced to undergo SI for three months and also fine of Rs.1,100/- by the Learned Additional Munsiff Magistrate, Mangalagiri, in CC.240/86. The same was modified by the Appellate Court in CA.168/92 on the file of the First Additional Session Judge, Guntur, whereby the sentence was reduced to raising of the Court. The said judgement was suspended by order dated 13-12-1994 in the Criminal MP.4577 of 1994 in CrI.R.C.764/94 on the file of AP High Court.

2. The applicant was suspended with effect from 17-1-1985 by order dated 23-1-1995. The same is assailed in this OA.

3. It is further prayed in this OA that a direction has to be given to the respondent authorities <sup>restoring</sup> ~~restoring~~ them from proceeding with the disciplinary inquiry under section 19 CCS(CCA) Rules, 1965, <sup>as</sup> ~~on the grounds that~~ the judgement in regard to conviction was suspended by the High Court.

4. Sri N.R. Devaraj, Standing counsel for the respondents submitted on the basis of the report received, <sup>that</sup> ~~disciplinary~~ disciplinary proceeding is contemplated under Section 14 of CCS(CCA) Rules against the applicant for unauthorised absence from 19-11-1994 till 13-1-1995 and hence the applicant was suspended.

5. It is needless to mention that R-1 cannot proceed under Rule 9 of CCS(CCA) Rules as the judgement in regard to conviction also, was suspended by the High Court.

7. In the circumstances, we feel that it is just and proper to dispose this OA even at the admission stage by passing the following order -

The applicant can move this Bench by way of MA in this OA praying for vacation of suspension if the disciplinary proceedings is not completed by 30-6-1995, and if the delay in disposal of the same, if any, cannot be attributed to the applicant. (R-1/Inquiry Officer can take expeditious steps at each stage even if, why -- *indicated*)

rules, unless the applicant prays that notice period as per rules <sup>has</sup> have to be observed. That factor also will be taken into consideration if the MA is going to be filed as per this order praying for vacation of suspension).

8. The OA is ordered accordingly. No costs./

Ne

(R. RANGARAJAN)  
Member (Admn)

W. E. B. DUBOIS

(V. NEELADRI RAO)  
Vice Chairman

Dated : March 22, 95

Dictated in Open Court

Deputy Registrar(J)CC

To

1. The Sr.Superintendent of Post Offices,  
Guntur Division, Guntur-7.
2. The Director of Postal Services  
O/o The Postmaster General, Vijayawada Region, Vijayawada.
3. The Secretary, Union of India,  
Dept.of Posts, Dakbhavan, New Delhi.
4. One copy to Mr.T.V.V.S.Murthy, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

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(ADMN)

DATED - 22-3-1995.

ORDER/JUDGMENT:

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

O.A.No. 322<sup>in</sup>/95

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.

