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CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1035/1996.

Date of decision: 5th November, 1997.

Between:

B. Juvva Raju. .. Applicant

and

Materials Superintendent,
Eastern Naval Command,
Visakhapatnam 530 008.

2. Vice Admiral, Flag Afsar,
Eastern Naval Command,
Commander-in-Chief, Naval Base,
Visakhapatnam 530 014. Respondents.

Counsel for the applicant: Sri K.G.Krishna Murthy.

Counsel for the respondents: Sri K.Ramulu.

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri R.Rangarajan, Member (A))

Heard Sri V.Suryanarayana Sastry for Sri K.G. Krishna Murty, learned counsel for the applicant and Sri K.Ramulu, the learned counsel for the respondents.

The applicant in this O.A. was appointed as Grade-II Fireman on 9-9-1982. He was later promoted as Grade-I Fireman on 28-5-1992. A Criminal case in Crime No.219/92

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under Section 381 or 411 I.P.C., was registered against the applicant by the V Town Crime Police Station, Visakhapatnam city basing on the complaint lodged by the respondents. The applicant was also issued a Charge-sheet mentioned at page 19 of the O.A.

No. 303/92 -

The Criminal Case filed in the III Metropolitan Magistrate's Court, Visakhapatnam was disposed of by the Judgment dated 28-3-1995 acquitting the accused. The applicant submits that he has been acquitted of the charges in the Criminal Case and hence the Departmental enquiry on the same charges and facts should not be proceeded with. He submitted a representation to that effect dated 10-6-1996. Annexure A-3 Page 22 of the O.A.

This O.A., is filed praying to set aside the impugned proceedings No. NS/E/1107/BJ dated 8-5-1996 by holding the same ^{are} illegal, ~~and~~ improper ~~and~~ unjust and contrary to law.

A reply has been filed in this O.A. We find ~~that~~ that the Charge-sheet was issued after the disposal of the Criminal case in C.C.No.303/92. It is not known whether the respondents have seen the judgment and decided to go ahead with the Charge-sheet inspite of the acquittal of the applicant in the Criminal case. Hence, it is left open to the Department to decide whether to proceed with the Charge sheet or not after perusing the judgment in the

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above case. The applicant also submitted representation dated 10-6-1996 requesting to drop the Departmental Proceedings in view of his acquittal in the Criminal case.

..... in the circumstances, the following direction is given.

The respondents shall issue a reply to the representation of the applicant dated 10-6-1996 after scrutinising the judgment in C.C.302/92, and on the basis of the decision taken, they may take further action in regard to the Charge Sheet issued to the applicant.

With the above direction the O.A., is disposed of.

No costs.


B.S.JAI PARAMESHWAR,
S/ 11.97 MEMBER (J)


R.RANGARAJAN,
MEMBER (A)

Date: 5th November, 1997.

Dictated in open Court.


sss.

DA.1035/96

Copy to:-

1. The Materials Superintendent, Materials Organisation, Eastern Naval Command, Visakhapatnam.
2. The Vice Admiral, Flag Afsar, Eastern Naval Command, Commander-in-Chief, Naval Base, Visakhapatnam.
3. One copy to Mr. K.G.Krishna Murthy, Advocate, CAT., Hyd.
4. One copy to Mr. K. Ramulu, Addl.CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One copy duplicate.

srr

19/11/97

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TYPED BY
COMPIRED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : M
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

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

Dated: 5-11-97

ORDER/JUDGMENT

~~M.A./R.A./C.A./NOT~~

in

D.A.NO: 1035/96

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

DESPATCH

17 NOV 1997

हृदयावाद न्यायपीठ
HYDERABAD BENCH