

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 355 of 1996

Date of Order: 18.3.96

Between:

K.MALLAIAH

.. Applicant

and

1. Superintendent of Post Offices,
Kurnool Division, Kurnool.
2. Director of Postal Services,
Kurnool Region, Kurnool

Respondents.

For the Applicant :- Mr. S.Ramakrishna Rao

For the Respondents: Mr. K.Bhaskar Rao,
Sx./Add.CGSC

CORAM:

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE MR. H.RAJENDRA PRASAD, MEMBER (ADMN.)

Judgement

Dt: 18.3.96

(AS PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN)

Heard Shri S.Ramakrishna Rao, learned counsel for the applicant and Shri K.Bhaskar Rao, learned standing counsel for the respondents.

2. The applicant is aggrieved by his continuous suspension. He was placed under suspension by the order dated 4.8.95. Initially he was granted the subsistence allowance @ 50%. It was enhanced on a review by 20% on 22.11.95. Applicant contends that although he was placed under suspension as far back as on 4.8.95 till the date of the OA i.e, 7.3.96, no charge sheet was served upon him and the continued suspension is, therefore, bad in law.

3. Today we are informed by the learned counsel for the respondents that a charge sheet has now been filed against the applicant on 14.3.96. Although the learned counsel for the applicant submits that the charge sheet has been filed after the present OA was filed and has also been filed after a considerable delay, continued suspension of the applicant is not justified. We, however, think that the question of considering whether to keep the applicant on continued suspension for years together ^{in contemplation} ~~any compulsion~~ of filing disciplinary proceeding does not now survive as the charge sheet has been filed. As to the delay in filing the charge sheet etc., those

[Signature]

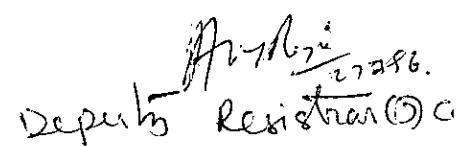
are the grounds to be urged at the inquiry and cannot be taken into consideration at this stage. In the circumstances we think that it will be appropriate to direct the competent authority/disciplinary authority to examine the question in the light of the charge sheet as to whether the suspension of the applicant should be continued further or whether it should be revoked and in the event of the suspension being continued further ^{whether} ~~why~~ the quantum of subsistence allowance should not be suitably enhanced. Ordered accordingly. The competent authority/disciplinary authority to take a decision in the matter without delay.

5. OA is accordingly disposed of. No order as to costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)


(M.G. CHAUDHARI)
VICE CHAIRMAN

DATED: 18th March, 1996
Open court dictation.


Deputy Registrar (O.C.)

vsn

To

1. The Superintendent of Post Offices,
Kurnool Division, Kurnool.
2. The Director of Postal Services,
Kurnool Region, Kurnool.
3. One copy to Mr. S.Ramakrishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr.K.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

S/14/96
I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

M.G.Chandhain
THE HON'BLE MR.JUSTICE ~~V.NEELADRI RAO~~
VICE CHAIRMAN

AND
H.Ravendra Prasad
THE HON'BLE MR.R.RANGARAJAN : M(A)

Dated: 18-3-1996

~~ORDER/JUDGMENT~~

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

in
O.A.No. 355/96.

T.A.No. (w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy

