

## FORM NO.21

( See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

OA/ TA / RA / CP / MA / PT ..197.3P 1997

N. Kishan Rao.....Applicant(s)

VERSUS

The...Direction... (A)...C.P.W.D. Respondent(s).  
Bd, Faizabad & AzerINDEX Sheet

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Bucket Orders.		1
Interim Orders		
Orders In M.A(s)		
Orders in (Final Orders)	21-2-97	28 to 33

300  
25(97)  
Certified that the file is complete in  
all respects.Signature of  
Dealing Hand  
(in Record Section).

Signature of S.O.

Dantu Dutt Rayal

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH.

197 of 1997

N. Kishan Rao

Applicant(s)

VERSUS

In Director, (A), C.G.W. Bd., Faridabad, Haryana & anoth.

Respondent(s)

Date

Office Note

ORDER

21-2-97

Judgement is delivered. The OA is disposed of at admission stage. Order vide separate sheets.

sk

*l*  
HBSJP  
M(J)

*l*  
HRRN  
M(A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

ORIGINAL APPLICATION No. 197 of 1997

Shri N. Kishan Rao Applicant(s)

VERSUS

Dir. (Admn), C.G.W.Bd,  
Faridabad & another  
Respondent(s)

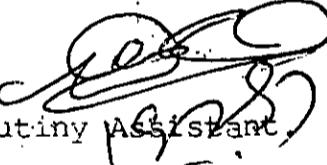
The application has been submitted to the Tribunal by  
Shri V. Vijayarama Rao Advocate/Party in person  
under section 19 of the Administrative Tribunal Act, 1985 and  
the same has been scrutinised with reference to the points mentioned  
in the check list in the light of the provisions in the  
Administrative Tribunal (Procedure) Rules 1987.

The application is in order and may be listed for  
admission on \_\_\_\_\_

Scrutiny Asst. 19/28)

J. P. B. 19/28) DEPUTY REGISTRAR (AUDL)

11. Have legible copies of the annexure duly ~~attested been filed.~~ 57
12. Has the Index of documents been filed, and pagination done properly. 57
13. Has the applicant exhausted all available remedies. 57
14. Has the declaration as required by item NO: 7 of form, I been made. 57
15. Have required number of envelops ( file size) bearing full address of the respondents been filed. 57
16. (a) Whether the relief sought for, arise out of single cause of action? 57  
 (b) Whether ~~any~~ interim relief is prayed for. 57
17. In case an MA for condonation of delay in filed, is it supported by an affidavit of the applicant. 57
18. Whether this case can be heard by single Bench. NO
19. Any other point. \_\_\_\_\_
20. Result of the Scrutiny with intial of the scrutiny Assistant. May 8  
filed

  
Scrutiny Assistant

  
Section Officer. (Bhag)

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

Dairy No. 350

Report in the Scrutiny of Application.

Presented by..... V R Rao ..... Date of presentation. 5.2.97  
Applicant (s)..... N K Rao .....  
Respondent (s)..... Dr. (GWB) founded association  
Nature of grievance..... Dismissal  
No. of application..... / ..... No. of Respondents.... 2

CLASSIFICATION General  
Subject Dismissal ( No. ) Department CawB ( No 38 )

1. Is the application in the proper form, (three complete sets in paper books form in two compilations.) ✓
2. Whether name, description and address of all the parties been furnished in the cause title. ✓
3. (a) Has the application been fully signed and verified. ✓  
(b) Have the copies been duly signed. ✓  
(c) Have sufficient number of copies of the application been filed. ✓
4. Whether all the necessary parties are impleaded. ✓
5. Whether English translation of documents in a language other than English or Hindi been filed. ✓
6. Is the application on in time, (See Section 21) ✓
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. ✓
8. Is the application maintainability. ( U/s 2, 14, 18, or B.R. 38 etc.) ✓
9. Is the application accompanied IPO/DD, for Rs. 5/- ✓
10. Has the impugned orders Original, duly attested legible copy been filed. ✓

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

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CAUSE TITLE N. Kishan Rao

VERSUS

faridabad  
The Director, C.W.D., Anugya & Antrt

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6.	Covers <u>2</u> <u>A</u>	

• 1st floor bedrooms; laundry; sitting room; kitchen and dining room; sunroom; back porch; garage.

1921-22

• CH 4.3 = 3

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ବିଜ୍ଞାନ ପାଠ୍ୟଗ୍ରହଣକାରୀ

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ՀԵՐԵՎԱՆԻ ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ՀԵՐԵՎԱՆԻ ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ  
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M\,E\,L\,O\,L\,I\,K\,R\,I\,L\,D\,R\,O\,H\,Y\,U\,L\,A\,L\,O  
-2021-7-28 batch

1820-1821. 1821-1822. 1822-1823. 1823-1824. 1824-1825. 1825-1826. 1826-1827. 1827-1828. 1828-1829. 1829-1830. 1830-1831. 1831-1832. 1832-1833. 1833-1834. 1834-1835. 1835-1836. 1836-1837. 1837-1838. 1838-1839. 1839-1840. 1840-1841. 1841-1842. 1842-1843. 1843-1844. 1844-1845. 1845-1846. 1846-1847. 1847-1848. 1848-1849. 1849-1850. 1850-1851. 1851-1852. 1852-1853. 1853-1854. 1854-1855. 1855-1856. 1856-1857. 1857-1858. 1858-1859. 1859-1860. 1860-1861. 1861-1862. 1862-1863. 1863-1864. 1864-1865. 1865-1866. 1866-1867. 1867-1868. 1868-1869. 1869-1870. 1870-1871. 1871-1872. 1872-1873. 1873-1874. 1874-1875. 1875-1876. 1876-1877. 1877-1878. 1878-1879. 1879-1880. 1880-1881. 1881-1882. 1882-1883. 1883-1884. 1884-1885. 1885-1886. 1886-1887. 1887-1888. 1888-1889. 1889-1890. 1890-1891. 1891-1892. 1892-1893. 1893-1894. 1894-1895. 1895-1896. 1896-1897. 1897-1898. 1898-1899. 1899-1900. 1900-1901. 1901-1902. 1902-1903. 1903-1904. 1904-1905. 1905-1906. 1906-1907. 1907-1908. 1908-1909. 1909-1910. 1910-1911. 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202517-202518. 202518-202519. 202519-202520. 202520-202521. 202521-202522. 202522-202523. 202523-202524. 202524-202525. 202525-202526. 202526-202527. 202527-202528. 202528-202529. 202529-202530. 202530-202531. 202531-202532. 202532-202533. 202533-202534. 202534-202535. 202535-202536. 202536-202537. 202537-202538. 202538-202539. 202539-202540. 202540-202541. 202541-202542. 202542-202543. 202543-202544. 202544-202545.

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Refir to set aside the order dt. 24.3.94 issued  
by RI and direct the Regds. to reinstate  
the applicant into service.

In the Central Administrative Tribunal : Hyderabad Bench :

at Hyderabad.

Bench

2nd BENCH-CASE O.A.No. 197 of 1997

N. Kishan Rao

\*\*\*

And

(2)

The Director (Administration), Govt. of  
India, Central Ground Water Board, New  
C.G.W.B. Complex, N.H. IV, Faridabad-121 001,  
Haryana State, and another. ...

C.G.W.B  
Respondents

राजराज/GENERAL

General

(37)

Applicant

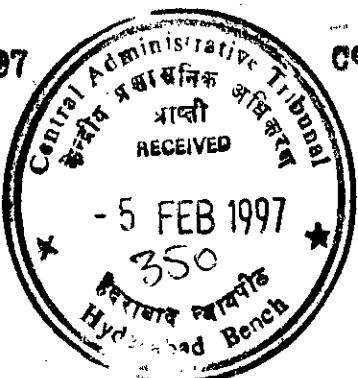
CHRONOLOGICAL EVENTS

S.No.	Date	Description	Page No
1.	23-7-1996	Judgement of the Hon'ble High Court of A.P., Hyderabad in Cri.A.No.127/94, dated 23-7-1996.	3
2.	23-7-1996	Judgement of the Hon'ble High Court of A.P., Hyderabad in Cri.A.No.132/94 dated 23-7-1996.	3
3.	30-7-1996	Judgement of the Hon'ble High Court of A.P., Hyderabad in Cri.A.No.153/94, dated 30-7-1996.	3
4.	7-1-1997	Representation of the Applicant.	3
5.	3-12-1996	Representation of the Applicant.	3
6.	24-3-1994	Order No. CGWB/1-602/89-Vig. Vol.II- 513, dt. 24-3-1994 of the Director, Administration. (First Respondent).	4

Hyderabad,

Dated: 30-1-1997

V. Visaya M.A.  
counsel for Applicant.



Application Under Section 19 of the Administrative  
Tribunals Act, 1985.

O.A.No. 197 of 1997

Between:-

N. Kishan Rao ... Applicant

and

The Director (Administration), Govt. of  
India, Central Ground Water Board, New  
C.G.B. Complex, N.H. IV, Faridabad-121 001,  
Haryana State, and another... Respondents

I N D E X

S.No. of Annexure	Description of the document.	Page Nos.
	Original Application	1-6
Annexure-1.	Judgment of the Hon'ble High Court of A.P., Hyderabad, in Cr. A.No. 127/94, dated 23-7-1996.	7-10
Annexure-2.	Judgment of the Hon'ble High Court of Andhra Pradesh, Hyderabad, in Cr. A. No. 132/94, dated 23-7-1996.	11-15
Annexure-3.	Judgment of the Hon'ble High Court of Andhra Pradesh, Hyderabad, in Cr. A.No. 153/94, dated 30-7-1996.	16-20
Annexure-4.	Representation of the Applicant dated 7-1-1997.	21
Annexure-5.	Representation of the Applicant dated 3-12-1996.	22
Annexure-6.	Order No. CGWB/1-602/89-Vig. Vol. II- 513, dt. 24-3-1994 of the Director, Administration. (First Respondent).	23

*Signature of  
N. Kishan Rao*  
Signature of  
Applicant

Date of filing : 1-1-1997

or

Date of Receipt by Post  
Regd. No.

*Signature of Registrar.*

In the Central Administrative Tribunal, Hyderabad Bench,  
Hyderabad.

Between:-

N. Kishan Rao, S/o. Laxma Rao, Hindu,  
aged about 55 years, U.D.C./Cashier,  
Central Ground Water Board, Division  
No. IX, Gudinalakpur, Hyderabad-500 028. ... Applicant  
(Under Orders of Dismissal).

And

1. The Director (Administration), Government  
of India, Central Ground Water Board, New  
C.G.B. Complex, N.H. IV, Fairadabad, 121 001,  
Haryana State.
2. The Executive Engineer, Central Ground Water  
Board, Division No.IX, 13-6-446, Gudinalakpur,  
Hyderabad-500 028. ... Respondent

Details of Application :

1. Particulars of Applicant : As stated above in the  
cause title.  
Address for service : M/s. V. Vijaya Rama Raj, &  
G. Suresh,  
Advocates, High Court,  
Q.No.C-13, SBH Colony,  
Gaddiannaram, Hyd.-60.

2. Particulars of Respondents : As stated above in the  
cause title.  
Name of the Father and Age of the Respondents.  
Name of the Father and Age of the Respondents. Not known to the Applicant.

3. Particulars of the Order against which the Application is made:

(i) Order No. : CONB/1-602/89 Vd. II  
: ~~Not Applicable~~ Order. 513,  
(ii) Date of Order : 24-3-94  
(iii) Passed by : First respondent  
(iv) Subject in brief : Regarding - Reinstatement  
of the Applicant into service.

4. Jurisdiction of the tribunal : The Applicant declares  
that the subject matter of the present application is within  
the jurisdiction of this Hon'ble tribunal, under Section  
14(a) of the Administrative Tribunals Act, 1985, as the  
Applicant was worked as U.D.C./Cashier in the jurisdiction  
of the 2nd respondent.

5. Limitation: The Applicant further declares that the Application is very well within the prescribed period of limitation under Section 21 (a) of the Administrative Tribunals Act, 1985, as the Applicant is now seeking re-instatement into service, and as such the present Application is very well within the prescribed period of limitation.

6. Facts of the case:- That the Applicant was initially appointed as Lower Division Clerk on 10-12-1973 and was subsequently promoted as U.D.C./Cashier on 25-3-1983. Since then the applicant is continuously functioning as such without any adverse remarks whatsoever.

The Applicant was placed under suspension on 5-6-1989 on the allegation that he had misappropriated an amount of Rs.15,000/-. The matter was referred to the C.B.I. for investigation. The C.B.I. after ~~through~~ thorough investigation has filed 3 charge sheets in the Court of the Special Judge for C.B.I. Cases, Hyderabad. The said trial was ended in conviction on 30-12-1993. Aggrieved by the same the Applicant ~~had~~ submits that he never remanded to Judicial custody at any point of time. The C.B.I. filed 3 charge sheets in the Court of the Special Judge for C.B.I. Cases, Hyderabad and the same were numbered as C.C.Nos. 6, 7 and 8 of 1993. As stated above, the trial was ended in conviction on 30-12-1993. Aggrieved by the same, the applicant filed Criminal Appeal Nos. 132, 127 and 153 of 1994 before the Hon'ble High Court of Andhra Pradesh and the Hon'ble High Court was pleased set aside the conviction dt. 30-12-1993 by allowing the said Criminal Appeals on 23-7-1996, 23-7-1996 and 30-7-1996 respectively. Pending the final disposal of the above said Criminal Appeals, the Applicant was dismissed from service by orders of the 1st respondent dt. 24-3-1994. It is submitted that the Applicant made representations to the 1st respondent on 7-1-1997 and 3-12-1996 respectively.

Annexures-  
1 to 5.

Annexure-6.

Annexures-  
4 and 5

requesting him to revoke the dismissal order dt. 24-3-1994 by duly enclosing the copies of the Judgments in the above Criminal Appeals. The Applicant also made a representation on 30-9-1996 in this regard. Inspite of receipt of the said and also the Judgments of the Hon'ble High Court representation by the 1st respondent, no steps have been taken so far with regard to the reinstatement of the Applicant into service. The said action of the 1st respondent is highly illegal, wholly arbitrary, unjust and unconstitutional, being violative of Arts. 14, 16, 19 and 21 of the constitution of India.

The Applicant is entitled for reinstatement into service with all consequential benefits, such as arrears of salary, seniority and all other consequential service benefits, since no cases are pending as on today against the Applicant.

7. Details of remedies exhausted: The Applicant declares that he has no statutory remedy available to him under the Service Rules against the action of the 1st respondent in not considering the representations dt. 30-9-1996, 3-12-1996 and 7-1-1997 made by the Applicant with regard to his reinstatement into service, and as such, the Applicant has no other effective alternative remedy except to invoke the extraordinary jurisdiction of this Hon'ble tribunal.

8. Matters not previously filed or pending with any other court: The Applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this Application has been made before any court of Law or authority or any other Bench of the tribunal and nor any such application, writ petition or suit is pending before any of them.

9. Relief Sought:- In view of the facts stated above in Para-6, the Applicant seeks issue of the following:-

(A)

It is therefore prayed in the interests of justice, that this Hon'ble tribunal may be pleased to issue an order or direction, directing the respondents, to ~~reconsider~~ <sup>reinstate</sup> the ~~subsequent~~ Applicant ~~for rejoining~~ <sup>rejoining</sup> into service, by duly considering the representations dt. 30-9-1996, 3-12-1996 and 7-1-1997 made by the ~~subsequent~~ Applicant with all consequential benefits such as arrears of salary, seniority, and all other service benefits, if necessary by duly setting aside the dismissal order in Proceedings/Order No. CGWB/1-602/89-Vig. Vol. II-513, dt. 24-3-1994 issued by the 1st respondent, and pass such other and further order or orders as this Hon'ble tribunal may deem fit and proper in the circumstances of the case, as otherwise, the Applicant will be put to irreparable loss, grave suffering, great hardship, heavy injury and serious loss.

10. Interim Relief:- Pending the final disposal of the Application, the Applicant seeks issue of the following:-

It is also therefore prayed in the interests of justice, that this Hon'ble tribunal may be pleased to direct the respondents, to consider and dispose off the representations made by the Applicant/dt. 30-9-1996, 3-12-1996 and 7-1-1997 on merits with regard to his reinstatement into service within a period of two weeks from the date of receipt of the order of this Hon'ble tribunal, and pass such other and further order or orders as this Hon'ble tribunal may deem fit and proper in the circumstances of the case, as otherwise, the Applicant herein will be put to irreparable loss, grave suffering, great hardship, heavy injury and serious loss.

11. Particulars of the Application fee:

(i) Name of the Post Office : High Court Extra Counter Post Office, Hyderabad.

(ii) No. & Date of Postal Order: 8 12 532879, dt. 25-1-97.

12. List of Enclosures: 1. Material Papers; 2. Vakalath; 3. Postal Order; 4. Covers, pads, etc.

Signature of Applicant.

(S) A

Verification

I, N. Kishan Rao, S/o. Laxma Rao, aged about 55 years, U.D.C./Cashier, General Ground Water Board, Division No. IX, Gudimalkapur, Hyderabad, (Under orders of dismissal), the Applicant herein, do hereby verify that the facts stated above in paras-1 to 12 are true to my personal knowledge and legal advise, and that I have not suppressed any material facts.

Hence, verified at Hyderabad, on this the 28th day of January, One thousand, Nine hundred and Ninety Seven.

V. B. Jayaram  
Counsel for Applicant.

Signature of N. Kishan Rao  
Signature of Applicant.

(A)

In the Central Administrative Tribunal, Hyderabad Bench,  
at Hyderabad.

O.A.No. of 1997

Between:-

N. Kishan Rao ... Applicant  
And

The Director (Administration), Govt. of  
India, Central Ground Water Board, New  
C.G.W. Complex, N.H.IV, Fairabad-121 001,  
Haryana State, and another... Respondents

Material Papers : Index

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3.	30-7-1996	Judgment of the Hon'ble High Court of Andhra Pradesh, Hyderabad, in Crl.A.No. 153/94, dt. 30-7-1996.	16-20
4✓	7-1-1997	Representation of the Applicant dated 7-1-1997.	21
5✓	3-12-1996	Representation of the Applicant dated 3-12-1996.	22
6.	24-3-1994.	Order No.CGWB/1-602/89-Vig.Vol.II- 513, dt. 24-3-1994 of the Director, Administration. (First Respondent).	23

// Certified that the above documents  
are true copies from the originals.//

Hyderabad,

Dated: 20-1-1997.

M/s. V. Vijaya Rama Raj, &  
G. Suresh,  
V. Vijaya Rama Raj  
Counsel for Applicant.

4. The prosecution case can be briefly narrated as follows:- The appellant/accused was working as Cashier-cum-U.D.C. in Central Ground Water Board, Division No. IX, Hyderabad from 24-3-1983 to 4-6-1989. During the said period he was required to do the work of disbursement of cash to the employees of the said office. The strength of the office was about 350.

It is the further case of the prosecution that P.W.3 (Balirama Sarma) and P.W.4 (K.Kesavan) were also the employees working alongwith the appellant. P.W.3 was entitled to get arrears of pay fixation and P.W.4 was entitled to get T.A. advance for under-taking tour to Madras. It is the further case of the prosecution that the Accounts Section prepared bills in respect of both the persons. The bills were signed by the Drawing and Disbursing Officer who happens to be the Executive Engineer and the amounts due under the bills were drawn from the Bank by the appellant/accused alongwith other amounts but payment to P.Ws. 3 and 4 was not made and therefore, they lodged the grievance in the complaint against the accused/appellant and thus, the Criminal Law was set in motion and the accused was prosecuted.

5. In order to connect the accused with the crime, the prosecution examined P.Ws. 1 to 8 and they also produced certain documents which were marked as Exs. P-1 to P-23.

6. P.W.1 (Rayachoti Jaya Rao) happens to be an Assistant working earlier in the same section but at present he is working as Superintendent. P.W.1 has stated the role attributed to the accused or the work entrusted to the accused while he was working as a Cashier. Beyond the procedure and the work entrusted to the accused, P.W.1 does not state anything against the accused.

P.W.2 (S.Sudhindra Theertha) is Assistant Accounts Officer working in the said office and he has stated that the Accounts Office would prepare the bill and it would be signed by the Drawing and Disbursing Officer, i.e., the Executive Engineer and ultimately it would be submitted to the bank for encashment. P.W.2 has not stated anything that the accused was entrusted with some amount and which he has mis-appropriated.

P.Ws.3 and 4 are the persons who had set the Crime/Law in motion by making grievance against the appellant/accused that though they were entitled to get arrears of pay fixation and T.A. Advance respectively, they were not paid the said amounts. But they did not speak that any amount which was due to them was misappropriated by the accused/appellant. The only grievance made by P.Ws. 3 and 4 was about the inaction on the part of the accused/appellant in not paying the money which was due to them legitimately. None of the witnesses has stated that the accused was demanding any money for making the said payment.

Smt. Gyaneswari Premavathi (P.W.5) who happens to be a Clerk in the Accounts Department has stated that the bills of P.W.3 was prepared by her when she was working in the Accounts Department. In effect, P.W.5 states that the accused was not responsible for preparing the bills.

O.P. Grover (P.W.6) is in-charge Drawing and Disbursing Officer. He speaks about the role played by the accused, in which, he has also not attributed any criminal act alleged to have been done by the accused.

Baldev Singh (P.W.7) is the sanctioning authority by which the accused was prosecuted.

Lastbhy, P.W.8 (Y.V.L.N. Subba Rao) is the Investigating Officer.

7. Mr. Vijaya Rama Raj, the learned counsel appearing on behalf of the accused submitted, by looking into the entire evidence brought on record, not a single ingredient has been proved by the prosecution so as to involve the accused in an offence like misappropriation of the property.

8. While rebutting the aforesaid contention, the learned advocate appearing for the Retainer Counsel of C.B.I. submitted that the only grievance of the prosecution in this case appears to be that money which was due to P.Ws.3 and 4 was not paid to them. It was also submitted by the learned counsel that when money was not paid to P.Ws. 3 and 4 for whatever reason, it was the duty of the accused to remit the said amount in the bank.

9. Even if the argument of the learned counsel for the C.B.I. is accepted as it is, no offence is dis-

closed against the accused. At the most it may be stated that the accused was negligent in not remitting the amount into the bank. But there is no element of misappropriation on the part of the accused. No witness has stated that the money which was due to P.Ws. 3 and 4 was not found in the chest. The prosecution has not examined any witness to show that surprise check was made and the amount due to P.Ws. 3 and 4 was not found in the chest which is jointly operated by the accused and the Drawing and Disbursing Officer (P.W.6).

10. Taking the above facts into consideration, this Court is the opinion that the order of conviction and sentence recorded against the accused is totally erroneous and uncalled for. Therefore, it is set aside. The accused is acquitted of all the charges levelled against him.

The fine amount if paid, be refunded to the accused.

The bail bond executed by the accused shall stand cancelled.

The Criminal Appeal is accordingly allowed.

Sd/- A. Eswaraiah,  
Joint Registrar.

// True Copy //

*V. V. Jayaraman*

Annexure-2.

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT  
HYDERABAD.

Tuesday, the Twenty Third day of July,  
One thousand, Nine hundred and Ninety six.

Present:

The Hon'ble Mr. Justice Ramesh Madhav Bapat.

Criminal Appeal No. 132 of 1994

Criminal Appeal under Section 374(2) Crl.P.C. against  
the Judgment dt. 30-12-1993 in C.C.No. 6 of 1993 on  
the file of the Court of the Special Judge for C.B.I.  
Cases, Hyderabad.

Between:-

N. Kishan Rao ... Appellant (Accused)

Vs.

State of Andhra Pradesh represented by  
C.B.I./S.P.E., Hyderabad, through Public  
Prosecutor, High Court of Andhra Pradesh,  
Hyderabad. ... Respondent

For the Appellant : Mr.V.Vijaya Rama Raj, Advocate.

For the Respondent: Mr.M.R.Reddy, Standing Counsel for  
C.B.I.

The Court delivered the following:-

J U D G M E N T

The accused/appellant was prosecuted for the  
offences punishable under Sections 409 and 477-A of  
the Indian Penal Code and Section 5(1)(c) and (d)  
readwith Section 5 (2) of the Prevention of Corruption  
Act, 1947 in C.C.No. 6 of 1993 in the Court of Special  
Judge for C.B.I. Cases, Hyderabad.

2. On evidence, the learned Judge found that ~~xxxx~~  
the accused/appellant was guilty of all charges leve-  
lled against him and therefore, proceeded to convict  
and sentence him to suffer rigorous imprisonment for  
a period of one year and to pay a fine of Rs.500/-, in  
default, to undergo simple imprisonment for a period  
of one month for the offences ~~xxxxxxxx~~ punishable under  
Section 409 I.P.C. and Section 5(1)(c)(d)readwith  
Section 5(2) of the Prevention of Corruption Act, 1947  
and also to undergo rigorous imprisonment for one year  
for the offence punishable under Section 477-A I.P.C.  
The substantive sentences were made to run concurrently.  
The total fine imposed on accused/appellant is to the  
extent of Rs.500/-.

3. Being aggrieved by the aforesaid order or convi-  
ction and sentenced, the accused/appellant has appro-  
ached this Court in appeal on various grounds as stated  
in the Memorandum of appeal.

4. The prosecution case can be briefly narrated as follows:- The appellant/accused was working as Cashier-cum-U.D.C. in the Central Ground Water Board, Division No. IX, Hyderabad. During the said period his job was to prepare cheques as per the bills prepared by the Accounts Department, obtain signatures of Drawing and Disbursing Officer, bring cash from the bank, pay the amount to the persons entitled and get their signatures on the acquittance rolls.

It is the case of the prosecution that on two such occasions, money was brought from bank but it was not paid to the employees entitled. Therefore the accused committed the offences as stated above.

5. In order to bring home the guilt of the accused, the prosecution relied upon the evidence of P.Ws.1 to 8. They also produced certain documents which were marked as Exs.P.1 to P.30. The accused also examined defence witnesses as D.Ws.1 and 2 and Ex.D-1 was marked on behalf of the defence.

6. Rayachoti Jaya Rao, (P.W.1) happens to be a Clerk working in the office of Superintendent of Central Water Board, Hyderabad during the relevant period. It was his job to maintain the service records of the employees. He has stated that he knew the accused who was also working in the same Department. He does not lead the prosecution story in any way except telling that the accused was also an employee of the same office.

B. Sudarshan Murthy (P.W.2) happens to be the Assistant Accounts Officer. He was working in the same office during 1983 to 1989 and when he was promoted as Assistant Accounts Officer, he was transferred. He ~~was transferred~~ stated that when he was working in Central Ground Water Board, all the bills were routed through him to the Executive Engineer. He stated that those bills were to be prepared in the Accounts Section. On examination and checking, he used to obtain payment order from the Executive Engineer who happens to be the Drawing and Disbursing Officer. He further stated that the accused/appellant was working in their office and his main job was to maintain main cash books, subsidiary cash books, register of valuables, receipt books, files to despatch D.Ds. to out-station, register of cheques and acquittance rolls. This witness appears to have been unnecessarily examined. He has stated how different bills were prepared which has no relevance in the present case. -

But he has categorically stated in his evidence that the amount due to one B.P. Raju to the tune of Rs.1,460/- was not paid to him for whatever reason, but, entry to that effect was made in the account books. This witness does not go to connect the accused in any way with the offence with which he was charged. This witness does not go to connect the accused in any way with the offence with which he was discharged. This witness has only stated that when the accused/appellant did not make any payment to the person concerned, he ought to have remitted the amount into the bank. But this witness has not stated that the amount which was undisbursed was not found in the safe custody of the office under the lock and key. Therefore, this Court holds that no inference can be drawn from the evidence of above witnesses that the accused had misappropriated amount at any point of time.

A. Ramarao (P.W.3) was working as Assistant Operator-cum-Mechanic in the said Department. He did not get salary for the month of November and December, 1986. The amount to which he was entitled to get was Rs.1,600/- which was not paid by the accused/appellant. But he has stated that he did not lodge any complaint for non-payment of his salary. It was suggested to him in the cross-examination that he was on Extraordinary Leave without pay but ~~xx~~ the ~~xx~~ said suggestion has been denied. In order to prove that P.W.3 was on Extraordinary Leave and he was not entitled to get the amount of leave period which was treated as period without pay, the defence examined one G.V.S.Y. Narayana (D.W.2) who has stated that P.W.3 was on Extraordinary Leave without pay, with reference to the muster roll maintained by him and D.W.2 also happens to be the employee of the Department in question. Thus, from the evidence of P.W.3 it cannot be said that the amount due to him was misappropriated by the accused. It further appears from the prosecution evidence that when P.W.3 was on leave, by the order of the superior officer, his pay was withheld by the accused/appellant. This cannot be called an example of misappropriation.

K. Satyanarayana (P.W.4) happens to be working as U.D.C. He does not lead the prosecution story anywhere so as to connect the accused with the crime.

G. Syamala Devi (P.W.5) was working in the said office as in-charge Cashier. During the disputed period the accused/appellant was on leave and in his place this

witness was working. She stated that she took charge of the post of the accused and thereafter the accused resumed duties. She handed over the charge to him. While taking the charge, she did not find any misappropriated amount and she has categorically stated that the cash in question was handed over to the accused/appellant but she did not say that any cash was misappropriated by the accused/appellant.

V. Gyaneswari Premavathi (P.W.6) working as Assistant in the same office prepared the office copy of L.T.C. bill for Rs.4,400/-.

O.P. Grover (P.W.7) was working as Assistant Executive Engineer. He had taken certain amount as tour advance amount but as the tour was cancelled, he directed the accused/appellant to deposit the amount into the bank but according to him, the accused did not follow his instructions.

P. Anjaiah (P.W.8) was Working as Stenographer in the same office and he leads the prosecution story nowhere.

B.P. Raju (P.W.9) made a grievance that he did not receive T.A.Bill but he did not cast any aspersion of having not paid the bill to him or the amount due to him was misappropriated by the accused.

Baladev Singh (P.W.10) is the sanctioning authority and Y.V.L.N. Subba Rao (P.W.11) is the investigating officer.

7. This is all the evidence which the prosecution could bring on record. While commenting on the evidence as brought on record, the learned counsel for the appellant submitted that there is not a single sentence in the entire evidence to show that the accused has misappropriated any amount for his own use or any amount was converted for his own use. On the contrary, it has been the specific case of the accused/appellant throughout that whatever the amount was undisbursed, it was kept in the locker which was jointly operated by him and the Drawing and Disbursing Officer.

8. The learned advocate appearing for the standing counsel of the C.B.I. on behalf of the prosecution submitted at ~~any~~ the Bar that the accused/appellant was given specific instructions and directions to deposit the undisbursed amount in the bank. Therefore, an inference must be drawn that the accused/appellant has

mis-appropriated the amount.

9. However, this Court is not inclined to draw such inference for the reason that the prosecution has not been able to show that money which is alleged to have been misappropriated by the accused was not found in the locker when the authorities checked up the locker. There is no evidence to show that any such effort was made to show that the money was missing from the locker. It has been the contention of the accused/appellant throughout that the undisbursed money was kept in the chest and it is lying as it is.

10. Considering the entire evidence led by the prosecution and also the defence version by examining D.Ws.1 and 2, this Court is of the considered opinion that no offence is disclosed. The accused/appellant has been unnecessarily prosecuted and lot of harassment is caused to him. Therefore, this Court holds that the order of conviction and sentence recorded by the learned Special Judge is un-called for. It is hereby set aside. The accused stands acquitted of all the charges levelled against him.

The bail bond executed by the accused shall stand cancelled.

Fine, if any paid, be refunded to the accused.

The appeal stands allowed accordingly.

Sd/- A. Eswaraiah,  
Joint Registrar.

// True Copy //

V. Venkateswara Rao

Annexure-3.

In the High Court of Judicature: Andhra Pradesh: at  
Hyderabad.

Tuesday, the 30th day of July,  
One thousand, Nine hundred and Ninety Six.

Present:

The Hon'ble Mr. Justice Ramesh Madhav Bapat.

Criminal Appeal No. 153 of 1994

Criminal Appeal under Section 374(5) Crl.P.C. against  
the Judgment dt. 30-12-1993 in C.C.No.8 of 1993 on the  
file of the Court of the Special Judge for C.B.I.Cases,  
Hyderabad.

Between:-

N. Kishan Rao ... Appellant (Accused)

And

State of A.P., represented by C.B.I./  
S.P.E., Hyderabad (Public Prosecutor,  
High Court of Andhra Pradesh, Hyderabad)  
... Respondent.

For the Appellant: Mr. V. Vijaya Rama Raj, Advocate.

For the Respondent: Mr. Public Prosecutor.

The Court delivered the following:-

JUDGMENT

The sole accused was prosecuted in C.C.No. 8  
of 1993 on the file of the Special Judge for C.B.I.  
Cases, Hyderabad, for the offences punishable under  
Sections 409 and 477-A IPC and under Section 13(1)(c)  
and (d) readwith Section 13(2) of the Prevention of  
Corruption Act, 1988. On evidence, the learned Judge  
found that the prosecution has been able to ~~establish~~  
connect the accused with the crime and therefore  
proceeded to convict him and sentence him to suffer  
R.I. for one year and to pay a fine of Rs.500/- in  
default to undergo S.I. for one month of the offence  
punishable under Section 409 IPC and under Section  
13(1)(c) and (d) readwith Section 13(2) of the Pre-  
vention of Corruption Act, 1988. He was further  
convicted and sentenced to suffer R.I. for one year  
of an offence punishable under Section 477-A IPC.  
The substantive sentences were made to run concurrently.  
The total fine imposed upon the accused-appellant was  
Rs.500/-.

Aggrieved by the aforesaid order of conviction  
and sentenced, the accused-appellant has approached  
this Court in appeal on various grounds as set out  
in the appeal memorandum.

The prosecution case can briefly be narrated as follows: The Inspector of Police, C.B.I., Hyderabad, filed a charge sheet against the accused for the offences punishable under Sections 409 and 477-A IPC and under section 13(1)(c) and (d) readwith Section 13(2) of Prevention of Corruption Act, 1988 with an averment that the accused is a public servant. He is working as Cashier-cum-UDC in the Central Ground Water Board, Division No.IX, Hyderabad from 24-3-1983 to 4-6-1989. His functions include disbursement of pay and allowances to the employees as per the bills, acquittance rolls and obtaining their signatures, maintenance of Registers such as subsidiary cash book, main cash book, register of cheques issued, receipt books, acquittance rolls, recording of entries in the relevant registers and maintenance of upto date accounts etc.

It is further alleged by the prosecution that while functioning in that capacity the accused dishonestly misappropriated an amount of Rs.5,534-50 Ps. belonging to the Central Ground Water Board, which was meant for payment to the employees by way of supplementary pay, D.A. arrears, transfer advances, T.A. refunds of amounts made by the staff etc. The accused during the said period withdrew an amount of Rs.4,954/- through cheques from the State Bank of India, Hyderabad for the purpose of payment of supplementary pay, D.A. arrears, transfer allowances etc. But the said amount was not accounted for and therefore the accused is alleged to have committed an offence of misappropriation.

In order to connect the accused with the crime, the prosecution led the evidence of P.Ws. 1 to 12 and they also produced certain documents, which were marked as Exs.P.1 to P.40.

P.W.1 happened to be the Superintendent in Central Ground Water Board, Division No:IX, Hyderabad. He stated that Ex.P.1 is the Xerox copy of personal file of the accused containing 15 pages and Ex.P.2 is the xerox copy of suspension order dt.5-6-1989 which was delivered to the accused on 21-6-1989. This is all the evidence given by P.W.1.

As far as P.W.2 is concerned, he has stated in his evidence that he was working as Assistant Accounts Officer in the said office. He has stated that what duties were assigned to the accused in the ~~expansive~~ capacity of the Cashier. He stated that Ex.P.3 is a letter dt. 17-9-1988 addressed by Mr.S.R.Saini, Driller-cum-Mechanic. The said letter was addressed to the Executive Engineer of the said Office informing that he had taken temporary advance on 16-7-1988 and Ex.P-4 is a C.P.W.A. Form II regarding the expenditure made by Mr.S.R.Saini. Mr.S.R.Saini stated in his letter that he spent Rs.1,489-30 Ps. and he obtained a receipt Ex.P.5 from the Regional Transport Office. He further stated that he had received a sum of Rs.2,000/- and the remaining balance of Rs.552/- was returned to the accused and he received the acknowledgment which was initialled by the accused. Beyond that he does not lead the prosecution story any where.

It further appears from the record that P.W.3 Mr. Shobanath was examined in the trial court, who was working as Superintending Engineer and he stated that his duties are to supervise the operations of six divisions in the State of Madhya Pradesh, Maharashtra, Andhra Pradesh, Kerala, Tamil Nadu and Karnataka. His headquarter is at Hyderabad. He has to carry on extensive tour programmes and he has to perform tours. He is required to take T.A. advance. He stated that the accused was working as a Cashier in the said Office. When excess advance is taken, he is required to return the same to the accused and for that he used to take a receipt in token of payment of excess advance. Ex.P-29 is a receipt given by the accused to P.W.3, in which P.W.3 has returned an excess amount of Rs.70/-. That receipt is marked as Ex.P.29, which bears the signature of the accused.

P.W.4 is an Assistant in the Office of the Central Ground Water Board, Chittoor and he has stated that he used to receive his pay by way of demand draft in favour of Drilling-in-charge, who will encash the demand draft and he will pay the same to him. He stated that he has not received the pay for the period of November, 1987 and December 1987 and D.A. arrears of July 1987 and September 1987 amounting to Rs. 802/- and he had complained for non receipt of the aforesaid payment of his superiors.

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P.W.5 is the Compressor operator working in the same office. He has stated that he was transferred to Madras on promotion in the year 1988. He had applied for transfer T.A. which was sanctioned to him to the extent of Rs.1,800/- which was sanctioned to him as per Ex.P.12 but he did not take the said transfer T.A. because his transfer to Madras was cancelled. Beyond this evidence, P.W.5 does not lead to prosecution story anywhere.

P.W.6 is a technical operator in the same office. He was also transferred to Madras in the month of May, 1986. He applied for transfer T.A. and it was sanctioned to the tune of Rs.1800/-. His transfer was also cancelled before he received the said amount and therefore he did not sign on Ex.P.15 acquittance roll. Beyond this evidence, P.W.6 does not lead the prosecution story anywhere.

P.W.7 was working then as Assistant Mechanic in the same office. He stated that he used to repair all motors and do other mechanical works and he has to go for the repairs as per the orders of his superior whenever he was sent. He has to go on tours for carrying out the repairs at various places. He stated that after finishing his tour, he was in the habit of submitting his T.A. bills to the department. He stated that he submitted ~~as per Ex.P.33~~ further his tour T.A. bill for Rs.552/- which was sanctioned as per Ex.P.7. He further stated that Ex.P.33 is the bus tickets purchased by him for performing tours to Pottugiri to Bellary and Bellary to Hyderabad which comes to Rs.46.90 and Rs.55.15 Ps and he did not take the said amount so far. But he has assigned the reasons as to why the amount was not claimed by him from the accused cashier.

P.Ws. 8, and 9 and 11 are on the same point.

By reading the entire evidence, it can definitely be stated that the prosecution could not bring any evidence on record that if the amount is lying with the accused, he misappropriated the amount for his own use. The Investigation machinery has not taken care to find out whether the amount which was withdrawn by the accused ~~affix~~ under different heads, was kept in the locker of the Officer or otherwise.

Looking to the entire evidence as brought on record at the trial court, it can be said that the prosecution was able to prove that certain amounts belonging to the different persons were entrusted to the accused but that is not sufficient to prove the guilt to the home of the accused of an offence punishable under Sections 409 and 477-A I.P.C. and Sections 13(1)(d) and (c) readwith Section 13(2) of the Prevention of Corruption Act, 1988. It must be specifically established that search was carried out and the accused could not explain as to what he did regarding the different types of amounts withdrawn by him from the Bank. There is also no evidence to show that at the given point of time the locker of the accused was surprisedly checked by the authorities and the said undisbursement cash was not found in the locker. Unless such evidence is brought on record, the accused cannot be held liable.

The accused has examined D.W.1 but it is of no use either to the prosecution or to the defence.

As stated earlier, unless the misappropriation is proved, the accused cannot be held liable for the offence, with which he is charged. Therefore, the accused is entitled for acquittal and the accused is acquitted of all the charges levelled against him. The bail bond executed by the accused stands cancelled. The fine amount if any, paid be refunded to the accused. The appeal is accordingly allowed.

Sd/- A. Eswaraih,  
Joint Registrar,  
High Court of Andhra Pradesh,  
Hyderabad.

// True copy //

V. V. Rayamajhi

Annexure-4

24

From

N. Kishan Rao,  
Plot No.177,  
Medical & Health Colony,  
Sahebnagar,  
Hyderabad - 500 070.

Hyderabad.

Dt: 7-1-1997.

To

The Director (Admn),  
Central Ground Water Board,  
C.G.W. Complex,  
NH IV, Faridabad.

Sub: Revocation of dismissal order vide your  
Order No.CGWB/1-602/89-Vig.Vol-II-513, Dated  
24-3-1994, of Shri N. Kishan Rao, UDC/  
Cashier, Div.IX, Hyderabad - Reg.

Ref: 1. My representation dated 30-9-1996.  
2. My representation dated 3-12-1996.

---

Sir,

Your kind attention is invited to my representation referred to above, vide which I had submitted the copies of judgment passed in my favour by the Hon'ble High Court in Criminal Appeal Nos.127 of 1994, 132 of 1994 & 153 of 1994, and requested your goodself to revoke my dismissal orders and reinstate me in the service. Though a considerable period of more than three months has passed, nothing is received from your goodself. It may not be out of place to mention here that since the day of my dismissal, I am financially facing very much hardship and early revocation of my dismissal orders will ease my financial and family burdens. I, therefore, earnestly request your kind honour to expedite my revocation of dismissal case on priority basis and oblige.

Thanking you,

Yours faithfully,

(N. KISHAN RAO)

// True Copy //

N. Kishan Rao

- 52 -

C-6 DRAFT

## Hyderabad District

• 191-51-5 : 550

Central  
In the ~~Andhra Pradesh~~ Adminis-  
trative Tribunal: Hyderabad  
Bench: at Hyderabad.

O. A. No. 11

of 1997

— 10 —

11

ORIGINAL APPLICATION

W. T. GIBSON

Mr. V. Vijaya Rama Raj, &  
Mr. G. Suresh.

**Counsel for Applicant.**

- 22 -

### Annexure-5

Dated: 3-12-1996.

From

N. Kishan Rao,  
Plot No. 177,  
Medical & Health Colony,  
Sahebnagar,  
Hyderabad - 500 070.

To

The Director (Admn.),  
Central Ground Water Board,  
Government of India,  
NH IV, Faridabad - 121 001.

Sub: Revocation of dismissal order vide your Order No.CGWB/1-602/89-Vig.Vol-II-513, dated 24-3-1994, of Shri N. Kishna Rao, UDC/Cashier, Div.IX, Hyderabad - Reg.

SIE.

Your kind attention is invited to my letter dated 30-9-1996 vide which I had submitted the copies of judgment passed in my favour by the Hon'ble High Court in Criminal Appeal Nos.127 of 1994, 132 of 1994 & 153 of 1994, and requested your goodself to revoke my dismissal orders issued and reinstate me in the service. Though a period of more than two months has passed, nothing is received from your goodself. You are, therefore, requested to kindly issue necessary orders revoking my dismissal orders and reinstate me in service at the earliest.

An early action in the matter is requested.

Yours faithfully,

(N. KISHAN RAO).

// True Copy //

V. V. Tuganov

Annexure-6

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Confidential

No.CGWB/1-602/89-Vig.Vol.II-513,  
Govt. of India,  
Central Ground Water Board,  
NH-IV, Faridabad - 121 001.

Dated: 24-3-1998.

ORDER

WHEREAS Sh.N. Kishan Rao, UDC(Cashier) C.G.W.B., Division IX, Hyderabad has been convicted on a charge under Section 409 and 477-A Indian Penal Code and 5(I)(C) and (D) read with section 5(2) of the Prevention of Corruption Act, 1947.

AND WHEREAS the Hon'ble Court in their Judgment under Section 409 Indian Penal Code and Section 5(i)(c) and (d) read with Section 5(2) of Prevention of Corruption Act, 1947 deals with the act of misappropriation and Section 5(i)(d) read with section 5(2) of Prevention of Corruption Act, 1947 found the said Sh. N. Kishna Rao, UDC(Cashier) as accused and ordered him to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- for the offence punishable under Section 409 and 477-A Indian Penal Code and Section 5(i)(c) and (d) read with Section 5(2) of the prevention of Corruption Act, 1947. In the Judgement it is further added that any default of payment of fine, the accused shall have further simple imprisonment for a further period of one month under Section 409 Indian Penal Code and Section 5(i)(c) and (d) read with Section 5(2) of Prevention of Corruption Act, 1947 and also to undergo rigorous imprisonment for a period of one year under Section 447-A Indian Penal Code. Sh.N. K. Rao, UDC (Cashier) has preferred appeal No.1267 of 1994, 153 of 1993 and 132 of 1994 against the order of Spl. Judge for CBI Cases, Hyderabad passed on 30-12-1993. After considering the facts of the case the disciplinary authority concluded that Sh.N.K. Rao, UDC(Cashier) is not a fit person to be retained in Govt. Service.

NOW THEREFORE, in exercise of powers conferred by rule 19(i) of the CCS(CCA) Rule 1965 the undersigned hereby impose the penalty of dismissal from service of said Sh. N.K. Rao, UDC(Cashier) w.e.f. 30-12-1993, the date of issue of Judgement by the Hon'ble Court.

Sd/- (S.S. CHAUHAN)  
Director (Administration).

28

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

O.A. No. OA.197/97  
T.A.N.D.

DATE OF DECISION: 21-2-97

N. Kishen Rao

PETITIONER(S)

V. Vijaya Ramaraj

ADVOCATE FOR THE PETITIONER(S)

VERSUS

Director (Admn.), GOI,  
CGWB, New CGE Complex, NH IV  
~~Fazidabad 121001 and~~ RESPONDENT (S)  
another

N.R. Devaraj

ADVOCATE FOR THE  
RESPONDENT (S)

THE HON'BLE SRI R. RANGARAJAN, MEMBER (ADMN.)

THE HON'BLE SRI B.S. JAI PARAMESWAR, MEMBER (AUDL)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reportor or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Sri BS Jai Parameswar, M(J) R

29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.197/97

dt.21-2-97

Between

N. Kishan Rao

: Applicant

and

1. Director (Admn.)  
Govt. of India  
Central Ground Water Board  
New CGE Complex,  
NH IV, Faridavabad  
Haryana - 121001

2. Executive Engineer,  
Central Ground Water Board  
Division No. IX, 13-6-446  
Gudimalkapur  
Hyderabad 500028

: Respondents

Counsel for the applicant

: V. Vijaya Ramaraj  
Advocate

Counsel for the respondents

: N.R. Devaraj  
SC for Central Govt.

CORAM

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

HON. MR. B.S. JAI PARAMESWAR, MEMBER (JUDL)

*Jai*

## Judgement

Oral order (per Hon. Mr. B.S. Jai Parameswar, Member (J))

Heard Sri V. Vijaya Ramaraj, learned counsel for the applicant and Sri W. Satyanarayana for Sri N.R. Devaraj, learned counsel for the respondents.

1. The applicant in this OA was working as UDC/Cashier during the year 1983. During the year 1989 while he was working as such he was placed under suspension on the allegation of misappropriation of Rs.15000/-. With reference to said allegation the CBI had filed three charge sheets No. CC<sub>6</sub>, 7 and 8 of 1993 before the Special Judge for CBI cases, Hyderabad.

2. The Special Judge for CBI cases, Hyderabad, in the first instance convicted the applicant for the offences with which he was charged.

3. On the basis of the said conviction the Director, Administration, dismissed the applicant from service by ~~the~~ order dated 24-3-1994 (Annexure 6).

3. The applicant challenged the conviction passed by the Special Judge ~~in CBI~~, Hyderabad, before the Hon. High Court of Andhra Pradesh in Criminal Appeals No:127/94, CA.132/94 and 153/94 (in three appeals). The Hon. High Court accepted the appeal and set aside the conviction of the applicant.

4. As a consequence of ~~his~~ setting aside <sup>the</sup> ~~of~~ the conviction by ~~the Hon. High~~ <sup>the</sup> ~~of~~ High Court of Andhra Pradesh, the applicant submitted his representation of 30-9-1996 followed by reminders on 3-12-1996 and 7-1-1997. The respondents have ~~not~~ considered his representations.

5. Hence, the applicant has filed this OA for a direction to the respondents to reinstate him into service

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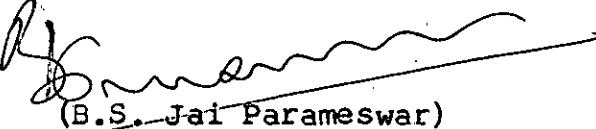
32

by setting aside the order of dismissal dated 24-3-1994.

6. After the Hon. High Court of Andhra Pradesh set aside the conviction it is the duty of the respondents to consider whether the applicant is entitled to reinstatement in to service in the light of <sup>the</sup> observations made by Hon. High Court in the judgement. The respondents have not consider<sup>ed</sup> the representations of the applicant. Hence, we feel it proper to direct the respondents to consider the representations of the applicant in the light of the judgement of the Hon. High Court of Andhra Pradesh within two months from the date of this order.

7. Thus, the OA is disposed of at the stage of admission itself.

8. Registry to send copy of the OA and its enclosures alongwith copy of this order to the Respondent-1.

  
(B.S. Jai Parameswar)  
Member (Jddl.)

  
(R. Rangarajan)  
Member (Admn.)

21.2.97

Dated : 21 Feb, 97  
Dictated in Open Court

sk

  
D.R. (S)

2-3-97

32

1.3.1

O.A. NO. 197/97

Copy to:

1. Director(Admn.), Govt. of India,  
Central Ground Water Board,  
New CGE Complex,  
NH 10, Faridabad,  
Haryana.
2. Executive Engineer, Central Ground Water Board,  
Division No IX, 13-6-446, Gudimalkapur,  
Hyderabad.
3. One copy to Mr. Y. Vijaya Ramaraj, Advocate,  
Q.No.C-13, SBH Colony, Gaddiannaram,  
Hyderabad.
4. One copy to Mr. N. R. Devraj, Senior CGSC, CAT, Hyderabad.
5. One copy to D.R.(A), CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One duplicate copy.
8. Copy to HBST H (A) CAT, Hyd.

YLKR

25/3/1977

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

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

AND

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

DATED: 25.2.77

Order/Judgement  
R.P/C.P/M.A. NO.

in

D.A. NO. 197/77

~~COMMITTED 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

YLKR

