

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 941/97.

Dt. of Decision : 23-02-99.

S. Suryanarayana Raju

... Applicant.

Vs

1. The Dy. Comptroller and
Auditor General of India
and Appellate Authority,
New Delhi.

2. The Accountant General
(Audit) II Office of the
Accountant General (Audit-II),
A.P. Hyderabad.

.. Respondents.

Counsel for the applicant : Mr. M. N. Narasimha Reddy

Counsel for the respondents : Mr. G. Parameshwara Rao, SC for AG.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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



ORDER

ORAL ORDER (PER HON. SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

None for the applicant. Heard Mrs. Sakthi for Mr. G. Parameshwar Rao, learned counsel for the respondents.

2. The applicant herein while working as Senior Audit Officer in the office of the 2nd respondent was found involved in Crime No. 115/96 of Sanjeeva Reddy ^{Nagar} Police Station. The said crime was Registered under Section 304 (B) of the I.P.C. read with Section 4 of ^{the} Dowry Prohibition Act. He was arrested on 12-4-96. On account of pendency of investigation and for his arrest, the authorities by order No. AG(AU) II/Ce-ordn. Cell/DC-I/8-143 dated 06-03-97 (Annexure-I Page-7 to the OA) placed him under suspension. Against the said order of suspension the applicant submitted an appeal to the Deputy Comptroller & Auditor General of India. The appellate authority by his proceedings dated 29-05-97 (Page-8 to the OA) considered the appeal and reject the same. Thus, the order of suspension was continued. At the time when the appellate authority considered the appeal it was brought to his notice that the detective department has submitted a chargesheet against the applicant ~~XXXXXXXXXXXXXXXXXXXX~~ Court of before the Vth Metropolitan Magistrate.

3. The applicant has filed this OA to order for reinstatement as Senior Audit Officer in the office of the 2nd respondent, declaring his suspension passed by the 2nd respondent by order dated 6-3-97 and as confirmed by the 1st respondent by his order dated 29-05-97 as null and void.

4. The respondents have filed reply stating that since the matter is pending trial before the Vth Metropolitan Magistrate, Hyderabad, it is not proper for them to revoke the order of suspension.

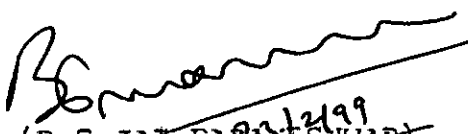
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5. The applicant has ^{been} placed under suspension under Section 10(1)(b) of the CCS (CCA) Rules. The suspension under this Rule came up for consideration before the Hon'ble Supreme Court in the case of UOI Vs. Udaynarayan reported in 1998 SCC (L&S) 1418 and the Hon'ble Supreme Court held that investigation includes trial in the criminal proceedings.

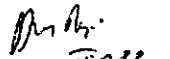
6. In that view of the matter we cannot direct the respondents to revoke the suspension. It is for the applicant to submit a representation to the concerned authorities for revocation^c of the suspension in case of any change in the circumstances. If such a representation is received the respondents authorities may consider the same in accordance with the instructions issued by the DoP&T.

7. With the above ^{Observations} ~~direction~~ the OA is disposed of.
No order as to costs.


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


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 23rd February, 1999.
(Dictated in the Open Court)


Mr. H. V. S. R.

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Copy to:

1. HDHND
2. HHRP M(A)
3. HSSJP M(J)
4. D.R. (A)
5. SPARE

1st and 2nd Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD
MEMBER (A)

THE HON'BLE R. RANGARAJAN
MEMBER (A)

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

DATED: 23/2/99

ORDER/JUDGMENT

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

IN

C.A. NO. : 941/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

4 copies

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

- 8 MAR 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH