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I N THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.1263/99

dt. 30-5-2000

Between

S. Jaya Raju

Applicant

and

1. The Supdt. of Post Offices  
Kurnool Divn., Kurnool 518001

2. Sub Divnl. Inspecotr (Postal)  
Kurnool East Sub Divn.  
Kurnool 518002

Respondents

Counsel for the applicant

: G.S.S. Siva Kesava  
Advocate

Counsel for the respondents

: B. Narasimha Sarma  
Sr. CGSC

Counsel

Hon. Mr. Justice D.H. Nasir, Vice Chairman

Hon. Mr. R. Rangarajan, Member (Admn.)

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## Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.)

None for the applicant. Mr. M.C. Jacob for Mr. B. Narasimha Sarma for the respondents.

1. Eventhough this OA is posted for dismissal neither the applicant nor his counsel is present. Hence the OA is disposed of as per Rule 15(1) of CAT Procedure Rules.

2. The applicant was issued <sup>mtk</sup> a charge sheet dated 3-3-98 (Annexure A-2) for which inquiry has been ordered by the impugned memo No. Inq/L/98 dated 16-8-99 (Annex.A-1). The applicant contends that an FIR also was filed which is enclosed as Annex.A-3. The applicant contends that the Criminal case is also for the same offence which is contemplated in the charge sheet. Hence, he prays that the charge sheet should pend till the criminal case is disposed of.

3. This OA is filed praying for directing the respondents not to proceed with the departmental enquiry and finalise the same during the pendency of the Criminal case No.80/99 on the file of Additional Judicial First Class Magistrate, Kurnool. An interim order was passed on on 31-8-99 whereby it is directed that the "enquiry in regard to the charge sheet dated 16-8-99 will pend till then," until further orders.

4. The main contention of the applicant in this OA is that the charges levelled against him in the charge sheet dated 16-8-99 is same as in Criminal case registered against <sup>him</sup> in case No.80/99, on the file of Addl. Judl. First Class Magistrate, Kurnool and hence conducting enquiry against the articles of charges in the charge sheet dated 16-8-99 will prejudice his criminal case. Hence he filed this OA.

5. We have perused the charges levelled against the applicant in the charge sheet dated 16-8-99. The first charge is in



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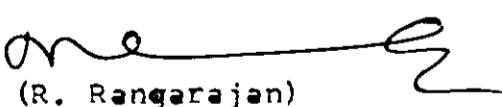
regard to his unauthorised absence. The second article of charge is in regard to non-accountal of Rs.30,000/- in the SB Account No.281150 thereby infringing the provisions of Rule 27(1)(i) and (ii) (Annex.A.2) of PO SB Manual Vol.I. and on that basis he was charged for violation of the provisions of rules 3(1)(i)(ii) and (iii) of CCS (Conduct) Rules, 1964. The articles of charge <sup>h</sup> <sub>h</sub> also failure to account the amount and misuse of the date stamp containing Sl.No.4 of Kurnool Head office, thereby violation of provisions of Rule 3(1)(i)(ii) and (iii) of CCS (Conduct) Rules. Article 4 and 5 are in regard to intercepting the applications for PA posts, and failure to transfer the applications received for recruitment of PAs thereby violating the provisions of Rule 3(1) (i)(ii) and (iii) of CCS (Conduct) Rules, 1964.

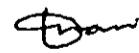
6. No reply has been filed by the Respondents.

7. The criminal case filed against him in case No.80/99 is mainly for misappropriation of amount, registered as <sup>64</sup> Crime No.101/98 under section 420 of IPC.

8. From the above details of the case we find both issues <sup>are different</sup> <sub>relate to the same office</sub>. Hence we feel that the Disciplinary <sup>need not</sup> proceedings <sup>cannot</sup> pend till the criminal case is disposed. The respondents are at liberty to conclude the disciplinary case in accordance with rules following the extant rules.

9. In view of the above, the OA is dismissed and all interim orders are vacated. No costs.

  
(R. Rangarajan)  
Member (Admn.)

  
(D.H. Nasir)  
Vice Chairman

Dated : 30 May, 2000  
Dictated in Open Court

  
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

COPY TO:

1. HDHO
2. HRRN (ADMN) MEMBER
3. HOSDP (JUDL) MEMBER
4. O.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE HON'BLE MR. JUSTICE O.H. NASIR  
VICE CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMN.)

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

9/6/2000

DATE OF ORDER

30/6/00

MA/RA/CP.NO:

IN

DA.NO. 1263/00

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

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केन्द्रीय प्रशासनिक अधिकार अधिकार  
Central Administrative Tribunal  
प्रेषण / DESPATCH

- 8 JUN 2000

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हैदराबाद न्यायालय  
HYDERABAD BENCH