

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/01555/2018

DATED THIS THE 11TH DAY OF JUNE, 2019

**HON'BLE DR. K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Sri. N. A. Suryanarayana,
S/o Annayappa,
Aged about 71 years,
Retired Programme Executive,
(Under orders of Dismissal)
I.R.L.A No.14245,
Doordarshan Kendra,
J.C. Nagar, Bangalore-560 006.
R/A "Chitakala",
No. 451, 26th Main, Nandini Layout,
Bengaluru-560 096.

...Applicant.

(By Advocate Shri S.P. Kulkarni)

Vs.

1. Union of India,
Ministry of Information and Broadcasting,
Shastri Bhavan,
New Delhi-110 001.
Represented by its Secretary to Govt.

2. The Director General,
Doordarshan,
Prasar Bharathi,
Mandi House, Copernicus Marg,
New Delhi-110 001.

3. Doordarshan Kendra,
J.C. Nagar,
Bengaluru-560 006
Represented by Director

...Respondents.

(By Standing Counsel Shri M.V. .Rao for Respondents)

ORDER (ORAL)**HON'BLE DR.K.B.SURESH ...MEMBER(J)**

Heard. Learned counsel for the applicant produces an order File No.

C-18012/02/2015-Vig. dated 19.03.2019, which we quote:

*File No. C-18012/02/2015-Vig.
Prasar Bharathi,
India's Public Service Broadcaster
Directorate General: Doordarshan
Vigilance Section*

Date: 19.03.2019

ORDER

Whereas Shri N.A. Suryanarayana while functioning as Programme Executive at Doordarshan Kendra, Bangalore, was caught red-handed by the CBI on 16.09.1997 while accepting an illegal gratification of Rs. 20,000/- from Shri Shyam Sunder a private producer for showing an official favour of issuing telecast certificates of a sponsored programme, titled, "Chalana Chitra Veekshisi". He had been arrested by the CBI and was placed under suspension by the Disciplinary Authority vide order dated 10.02.1998. Subsequently, CBI had registered RC No.22(A)/97-BLR against Shri N.A. Suryanarayana and sought for prosecuting him under the provisions of Prevention of Corruption Act, 1988. The Disciplinary Authority accorded the sanction for prosecution vide order dated 21.07.1998.

Whereas Shri N.A. Suryanarayana was placed under suspension w.e.f. 10.02.1998 vide M/o I&B order no.C-13012/5/97-Vig./TV(A) dated 10.02.1998 and remained under suspension till 06.01.2000.

Whereas Disciplinary Authority initiated disciplinary proceedings against Shri N.A. Suryanarayana vide OM no.C-13012/13/95-Vig.(DG: DD) dated 16.07.2001.

Whereas Shri N.A. Suryanarayana, the4 then Programme Executive, was posted at DDK, Panaji, Goa. He was convicted on a criminal charge by the XXI Addl. City Civil and Sessions Judge and Special Judge for CBI Cases, Bangalore City. The Hon'ble sentenced Shri N.A. Suryanarayana vide his judgement dated 31.07.2003, to undergo rigorous imprisonment for two years for the offence under Section 7 of Prevention of Corruption Act, 1988 and to pay a fine of Rs.5000/- and in default of payment of fine, to undergo further imprisonment for a period of 3 months. Shri N.A. Suryanarayana was further sentenced to undergo rigorous imprisonment for three years for the offence under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 and to pay a fine of Rs.5000/- and in

default of payment of fine, to undergo further imprisonment for a period of three months. The Court further ordered that the substantive sentences on both the counts shall run concurrently.

Whereas on careful consideration of all the circumstances and facts leading to conviction, vide judgement dated 31.07.2003 by XXI Addl. City Civil and Sessions Judge and Special Judge for CBI Cases, Bangalore City and taking into account the representation dated 20.04.2004 of Shri N.A. Suryanarayana, the Disciplinary Authority came to the conclusion under Rule 19 Of CCS (CCA) Rules, 1965 that further retention of Shri N.A. Suryanarayana in public service is undesirable and imposed a penalty of 'dismissal from service' with effect from 30.10.2004 on him.

Whereas Shri N.A. Suryanarayana made an appeal against the judgement dated 31.07.2003 passed by XXI Addl. City Civil and Sessions Judge and Special Judge for CBI Cases, Bangalore City in Spl.CC/57/1998.

Whereas Hon'ble High Court of Karnataka, Bangalore vide its order dated 28.11.2014 in CRL.A.No.1339/2003 has allowed the appeal filed by Shri N.A. Suryanarayana under Section 374(2), Cr. P.C. in entirety and set aside the judgement of conviction and sentence passed by the XXI Addl. City Civil and Sessions Judge and Special Judge for CBI Cases, Bangalore City in Spl.CC.57/98. The Hon'ble High Court has acquitted the accused of the offences alleged and also ordered if the amount of fine has already been deposited by the appellant-accused, the same shall be returned to him after, the appeal period is over and also cancelled the bail bonds.

Whereas CBI preferred an appeal under SLP No.6853/2016 in the Hon'ble Supreme Court against the judgement of Hon'ble High Court of Karnataka in CRL. A.No.1339/2003. The Hon'ble Supreme Court has dismissed the SLP No.6853/2016 on 25.04.2016 on the ground of delay.

Whereas CBI vide their letter No.C6/3/22/97/CBI/ACB/BLR/2016 dated 27.09.2016 has intimated that the competent Authority of CBI scrutinized the matter and ordered to allow the matter to rest.

Whereas legal opinion has been taken on the matter and the case has been referred to M/o Information & Broadcasting for further course of action.

And whereas the undersigned has decided that it would be appropriate if Shri N.A. Suryanarayana, Programme Executive is reinstated in service. I, therefore, order that Shri N.A. Suryanarayana, Programme Executive be deemed reinstated in service with effect from 30.10.2004.

And whereas the undersigned has considered the facts and circumstances of the case under FR 54-A and has held the period of suspension and dismissal of Shri N.A. Suryanarayana be treated as duty. Accordingly, it has been decided that:-

- (i) *Disciplinary proceedings initiated against Shri N.A. Suryanarayana vide O.M. no.C-13012/13/95-Vig.(DG: DD) dated 16.07.2001 be dropped.*
- (ii) *Full pay and allowances of Shri N.A. Suryanarayana for the period of dismissal from service i.e. from 30.10.2004 to 31.07.2007 be paid to him (after adjusting the amount of excess salary already paid to him during the period of dismissal);*
- (iii) *Full pay and allowances of the said Shri N.A. Suryanarayana for the period of suspension i.e. from 10.02.1998 to 06.01.2000 to be paid to him (after adjusting the amount of subsistence allowance already paid to him during the period of suspension);*
- (iv) *On attaining the age of superannuation of 31.07.2007, Shri N.A. Suryanarayana be treated as deemed superannuated w.e.f. 31.07.2007 and he is entitled for all full pensionary benefits;*

And the undersigned orders accordingly.

-sd/-
(Supriya Sahu)
Director General: Doordarshan &
Disciplinary Authority.

Shri N.A. Suryanarayana
Programme Executive,
I.R.L.A No.14245,
"Chitakala", No. 541,
26th Main, Nandini Layout,
Bengaluru-560 096.

----through Head of Office
DDK, Bengaluru.

2. Apparently, by this, the applicant has got all the benefits which he had asked for. Therefore, the OA has become infructuous. OA disposed of as infructuous. No costs.

3. At this point, learned counsel for the applicant points out that the order has been passed, but not yet implemented. Let them implement within the next 2 months.

(C.V. SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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