

OA.No.170/01700/2018/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01700/2018

DATED THIS THE 21ST DAY OF OCTOBER, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

A.S. Anilkumar,
Aged 30 years, S/o. A.M. Srinivas,
MTS, Pavagada SO,
under Tumakuru HO,
Residing at Teachers Colony,
Kuvempunagara,
Pavagada 561 202, Tumakuru District.
(By Advocate Shri B. Venkateshan)

..... Applicant

Vs.

1. Union of India,
Represented by the Secretary,
Department of Posts,

New Delhi 110 001

2. The Director of Postal Services,
South Karnataka Region,
Bangalore 560 001

3. The Superintendent of Post Offices,
Tumakuru Division,
Tumakuru 572 102

....Respondents

(By Shri K. Dilip Kumar, Counsel for the Respondents)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. The matter is in a very small compass. Apparently vide Annexure-A1 on 01.11.2016 applicant had been placed under suspension which we quote:

***“DEPARTMENT OF POSTS
O/O the Supdt of Post Offices Tumakuru Division Tumakuru –
572 102***

***No. B2/61/P'man & Gr'D' dated at Tumakuru-572102 the
01.11.2016***

WHEREAS a case against Sri A.S. Anilkumar, MTS, Pavagada SO in respect of a criminal offence is under investigation.

AND WHEREAS the said Sri A.S. Anilkumar was detained in custody on 14.09.2016 for a period exceeding forty-eight hours.

NOW, THEREFORE, the said Sri. A.S. Anilkumar is deemed to have been suspended with effect from the date of detention, i.e., the

14.09.2016 in terms of sub rule (2) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and shall remain under suspension until further orders.

*Sd/-
(V.R. Swamy)
Supdt. Of Post Offices,
Tumakuru Division, Tumakuru 572 102”*

2. But thereafter it appears that the criminal case under Section 498A was heard by the 4TH Additional District and Sessions Judge, Madhugiri and applicant was acquitted as apparently all the material witnesses were hostile in the sense that they said that they do not know of any demand for dowry and apparently the relationship between the applicant and his wife were cordial even though they did not have children. The Hon'ble Apex Court in so many cases have stipulated that it is not the gravity of the allegation but the credibility of evidence which is the most important thing. Therefore, there is no ground or value in the contentions raised by the respondents. Applicant is eligible for the full pay and allowances during the period he was under suspension.

3. The OA is allowed. Benefits to be made available within two months next. No order as to costs.

(C.V. SANKAR)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/01700/2018

Annexure A1: Copy of the SPOs Memo dated 01.11.2016

Annexure A2: Copy of the judgment in CC No. SC-5001/17 dated
22.08.2017

Annexure A3: Copy of the applicant's representation dated 04.09.2017

Annexure A4: Copy of the SPOs Memo dated 21.09.2017

Annexure A5: Copy of the SPOs Memo dated 27.11.2017

Annexure A6: Copy of the applicant's appeal dated 07.05.2018

Annexure A7: Copy of the extract of Fundamental Rules FR 54-B

Annexure A8: Copy of the extract of Finance Ministry OM dated 28.03.1959

Annexures referred in reply

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Annexure R1: Copy of the judgment in OA No. 862/2017 dated 19.11.2018

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