

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

MONDAY, THE SECOND DAY OF MARCH,
TWO THOUSAND AND FIFTEEN

:PRESENT:

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

WP .NO: 37427 of 2014

Between:

- 1 The Superintendent of Post Offices,
Medak Division, Medak - 502 110.
- 2 Union of India,
Rep by its Director of Postal Services, Hyderabad Region,
Hyderabad - 500 001.

..... Petitioners

AND

- 1 K. Ashaiah S/o Sugreevudu, Occ: Postal Assistant, Medak Head Post
Office, Medak District - 502 110.
- 2 Central Administrative Tribunal, Hyderabad Bench, HACA Bhavan,
Hyderabad, Rep by its Registrar.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an order or direction more particularly in the nature of Writ of Certiorari, calling for the records pertaining to order dated 01.08.2014 in OA No.795 of 2013 of the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad and quash the same as illegal, arbitrary, contrary to law and unconstitutional.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of Sri B. Narayana Reddy, Assistant Solicitor General for the Petitioners and Sri J. Sudheer, Advocate for Respondent No.1, the Court made the following

ORDER:

Rule nisi. Call for records.

Sri B.Narayana Reddy, learned counsel for the petitioners, would submit that, even before the order of the Central Administrative Tribunal dated 01.08.2014, a charge memo has been issued to the first respondent furnishing details of misappropriation of funds, from the NREGS scheme of approximately Rs.14,00,000/-.

Sri J.Sudheer, learned counsel for the respondents, would however contend that, in the light of the circulars issued by the Government, a person cannot be indefinitely kept under suspension; and no prejudice would be caused to the petitioners as the Tribunal had permitted them to proceed with the enquiry.

In view of the serious allegations, of misappropriation of funds from the NREGS scheme, permitting reinstatement of the first respondent into service would not be justified more so as, if he were to succeed later, he would be entitled to be reinstated with all benefits including arrears of salary.

There shall be interim stay of the order of the Tribunal.

Sri J.Sudheer, learned counsel for the first respondent, states that, under the rules, the first respondent is entitled for payment of 75% of his salary as subsistence allowance. We have no reason to doubt that, if an application is made by the first respondent seeking enhancement of subsistence allowance from 50 to 75%, and if the rules so permit, the petitioners would consider the said application afresh and in accordance with law.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 K. Ashaiah S/o Sugreevudu, Occ: Postal Assistant, Medak Head Post Office, Medak District - 502 110.
- 2 The Registrar, Central Administrative Tribunal, Hyderabad Bench, HACA Bhavan, Hyderabad.
(Addressees 1 & 2 BY RPAD)
- 3 One CC to Sri B. Narayana Reddy, Assistant Solicitor General (OPUC)
- 4 Two spare copies.

nnr

HIGH COURT

**RR,J
&
MSM,J**

DATED: 02-03-2015

ORDER

W.P.NO. 37427 OF 2014

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 04-03-2015

**RR,J
&
MSM,J**

DATED: 02-03-2015

ORDER

W.P.NO. 37427 OF 2014

DIRECTION