

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 3224/2002

(R)

New Delhi, this the 30th day of June, 2003

Hon'ble Sh. V.K.Majotra, Member (A)  
Hon'ble Sh. Shanker Raju, Member (J)

Sukram Vir Singh Tomar  
S/o Shri Dharam Vir Singh  
R/o E-146, IIInd Floor  
Sector - 36, NOIDA  
Distt. Gautam Budh Nagar, UP.

...Applicant  
(None present)

... V E R S U S

1. Union of India  
Defence Secretary  
South Block,  
Ministry of Defence  
New Delhi - 110 011.

2. Chief Adm. Officer  
-Cum-Disciplinary Authority  
Air Force Station, Race Course  
New Delhi.

3. Officer-In-Charge  
Airforce Canteen  
NOIDA.

...Respondents  
(By Advocate Sh. M.K.Bhardwaj  
proxy for Sh. A.K.Bhardwaj)

O R D E R (ORAL)

Shri Shanker Raju,

None present for the applicant even on the second call. OA is disposed of in terms of Rule 15 of the CAT (Procedure) Rules, 1987.

2. Despite directions, additional affidavit has not been brought on record.

3. We note that applicant who was dismissed from service by an order dated 22-10-1997 was simultaneously proceeded in criminal proceedings

(a)

instituted vide case No. 2996/99 under Section 406 IPC. By a judgment dated 22-4-2002, applicant has been acquitted of the offences.

4. Applicant preferred a representation for re-consideration on the basis of the decision of the Trial Court and had prayed for reinstatement. The aforesaid request has not been disposed of yet.

5. In the light of the decision of the Apex Court in **Capt. M.Paul Anthony Vs. Bharat Gold Mines** (1999 (2) JT 456), as the findings arrived at by a judicial body outweighs the findings arrived by a quasi judicial authority, it is incumbent upon the respondents to consider the acquittal of the applicant which he has raised in his representation.

6. In the interest of justice, OA is disposed of with the directions to the respondents to consider the representation of the applicant dated 7-8-2002 in the light of his acquittal from the criminal case as well as keeping in mind the decision of the Apex Court supra by a detailed and speaking order to be passed within three months from the date of receipt of a copy of this order.

7. OA is disposed of as above.

S. Raju

(SHANKER RAJU)  
MEMBER (J)

V.K. Majotra

(V.K. MAJOTRA)  
MEMBER (A)

/vnd/