

**Central Administrative Tribunal  
Ernakulam Bench**

**OA No./180/00182/2020**

Thursday, this the 19<sup>th</sup> day of March, 2020

**CORAM**

**Hon'ble Mr.Ashish Kalia, Judicial Member**

A. Nishith, aged 30 years,  
S/o Late Upendra,  
Helper Grade-II, SSE/C&W/MAQ (removed from service),  
Railway, Palakkad Division.  
Residing at Seetha Nilaya, Near Chakrapani Temple,  
Attavar, Mangalore-575 001

Applicant

(Advocate: Ms.Lowsy A)

**versus**

1. Union of India represented by  
the Secretary to Government of India,  
Ministry of Railways, New Delhi-110 001.
2. The Senior Divisional Personnel Officer,  
Southern Railway, Palakkad.
3. The Divisional Personnel Officer,  
Southern Railway, Palakkad.

Respondents

(Advocate: Mr.Sunil Jacob Jose)

The OA having been heard on 19<sup>th</sup> March, 2020, this Tribunal delivered the following order on the same day:

**O R D E R (oral)**

Heard Ms. Lowsy A, learned counsel for the applicant. The applicant has been acquitted from a criminal case. The applicant has made a detailed representation seeking reinstatement in service. Till date, the representation has not been decided. Notice is accepted by Sri Sunil Jacob Jose, Standing Counsel for Railways.

2. After considering the rival contentions, this Tribunal is of the view that the OA can be disposed of at the admission stage itself with a direction to the

respondent 2 to consider and pass a speaking order on the representation Annexure A6 within thirty days from the date of receipt of this order and communicate the decision to the applicant. If any grievance still subsists, the applicant is at liberty to approach this Tribunal again.

3. With the above observations, the OA is disposed of.

**(Ashish Kalia)**  
**Judicial Member**

aa.

**Annexures filed by the applicant:**

- Annexure A1: Copy of the Memorandum No.J/M226/DAR/J/M 6721/Criminal dated 10.11.2014.
- Annexure A2: Copy of the Penalty advice No.J/M226/DAR/J/M6721/Criminal dated 7.1.2015.
- Annexure A3: Copy of the Memorandum No.J/m226/DAR/J/M 6721/Criminal dated 30.1.2015.
- Annexure A4: Copy of the judgment in Criminal Appeal No.146/2014 dated 24.7.2018 of the High Court of Karnataka.
- Annexure A5: Copy of the representation before the 3<sup>rd</sup> respondent dated 12.11.2018.
- Annexure A6: Copy of the representation dated 30.9.2019 addressed to the 3<sup>rd</sup> respondent.
- Annexure A7: Copy of the postal receipts along with the acknowledgment cards.