

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 08th day of January 2002

Original Application no. 406 of 1997.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman  
Hon'ble Maj Gen K.K. Srivastava, Administrative Member

Raj Narain, S/o Late Sri Chetan Prasad,  
R/o Tondon Colony, Bathuwa,  
MIRZAPUR.

... Applicant

By Adv : Sri A.P. Pandey  
Sri Uma Kant

V E R S U S

1. Union of India through Secretary,  
Department of Post,  
NEW DELHI.
2. Senior Superintendent R.M.S.,  
Allahabad Division,  
ALLAHABAD.

... Respondents

By Adv : Sri S.C. Tripathi

O R D E R

Hon'ble Mr Justice R.R.K. Trivedi, V.C.

By this O.A. under section 19 of the A.T. Act, 1985, the applicant has challenged order dated 28.2.1997 (Ann. 1) by which the applicant has been dismissed from service under Rule 19(1) of the CCS (CCA) Rules, 1965, on account of conviction in a criminal case under

...2/-

sections 409, 467 and 420 of IPC and sentence of rigorous imprisonment of three years and fine of Rs. 2000/-. The applicant was serving as Sorting Assistant, SRO, Mirzapur, R.M.S.

2. Learned counsel for the applicant submitted that during the pendency of this OA the applicant has been acquitted from the criminal charge by order dated 30.08.2001 passed by Special Judge Essential Commodities/Addl. Distt. Session Judge, Varanasi, copy of judgment has been filed as annexure 1 to the Misc. Appl. no. 4968 of 2001. Learned counsel for the applicant has submitted that in view of this subsequent development reconsideration of the order of dismissal is required. It is submitted that the applicant has been honourably acquitted by the Court.

3. Shri S.C. Tripathi, learned counsel for the respondents on the other hand submitted that the order of dismissal has become final against the applicant and it cannot be reopened.

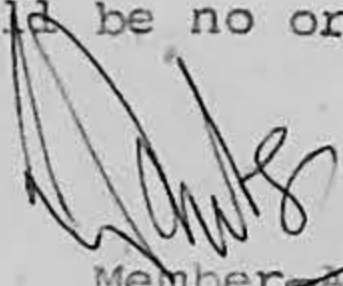
4. We have considered the submission of learned counsel for the parties and ~~in our opinion~~ in view of the facts and circumstances, the respondents are required to reconsider the whole matter as the applicant has been acquitted from the criminal court.

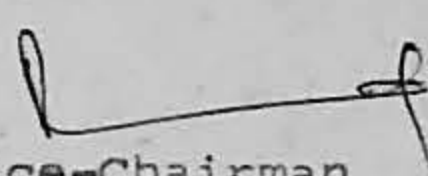


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5. The OA is disposed of finally with the liberty to the applicant to make representation before Senior Supdt., R.M.S., Allahabad Division, Allahabad, with copy of this order alongwith judgment of criminal court. If the representation is so filed, <sup>it shall</sup> be considered and decided in accordance with law by a reasoned and speaking order within a period of six months, from the date copy of this order is filed.

6. There shall be no order as to costs.

  
Member A

  
Vice-Chairman

/pc/