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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

Registration C.A. No. 1026 of 1987

Mahangi Ram and another Applicants.

Versus

Divisional Railway Manager
and others Respondents.

Non. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

By means of this application, the applicant has prayed that the respondents may be directed to reinstate him in service with all other benefits. The applicant was appointed as Khalasi in the year 1964 and on 1st March, 1974, he was promoted as Gate-man and according to him his services were terminated without following the proper procedure. It appears that the applicant was involved in a police case under Sec. 147, 148, 149, 301 and 302 I.P.C. He was in police custody and later released on bail on 28.9.1984. Thereafter, the applicant appeared before the department alongwith a private medical certificate of sickness from 1.10.1984 to 16.10.1984. Then it was found that he was involved in a murder case and was in police custody for more than 48 hours, as such, he was placed under suspension. During the period of suspension, the applicant was required to appear in the office regularly and he was paid suspension allowance but according to the respondents, he has not appeared before the office, as such, the suspension allowance

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was discontinued. The applicant was convicted in the criminal case and was sentenced to the life imprisonment by the District and Session Judge, Ballia. Against the said conviction order, the applicant has filed an appeal which is pending before the Hon'ble ^{High} Court in which the applicant has been bailed out. On behalf of the applicant it has been strenuously contended as the conviction has been stayed and as there is no conviction against the applicant, the applicant is reinstated back in service and is entitled to all the emoluments. There is some misconception in this behalf. It is only the sentence which has been stayed and not the conviction which is still continuing. As such, the respondents were within their rights to dismiss the services of the applicant and at this stage, we do not find any ground to direct the respondents to reinstate the applicant in service. In case the applicant succeeds and he is acquitted in appeal, obviously, the department will have to consider his case for reinstatement and paying the other benefits. The application is disposed of finally with the above observations. No order as to the costs.

Member (A)
Member (A)

Vice-Chairman
Vice-Chairman

Dated: 23.3.1993.
(n. u.)