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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 197 of 1990

Date of Decision 28.4.1992

Brahmhadeb Prasad Applicant

Versus

Union of India & Others Respondents

For the applicant

M/s.D.S.Mishra,  
S.Behera,  
Advocates

For the respondents

Mr.D.N.Mishra,  
Addl.Standing  
Counsel (Rly.  
Administration)

....

C O R A M

HON'BLE MR.K.P.ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MR.C.S.PANDEY, MEMBER (ADMINISTRATIVE)

....

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the opposite parties to order his reinstatement with all consequential financial benefits.

2. Shortly stated the case of the petitioner is that while he was functioning as Junior Clerk in the locostem in South Eastern Railway, Bandamunda, a case under Section 379 I.P.C. was chargesheeted against him on an allegation that he had committed theft of 11½ kgs. of boring brass -read with Section 3(a) of the Railway <sup>Properly</sup> Board (Unlawful Possession) Act and the petitioner was convicted of the said offence and ultimately the matter was carried ~~out~~ <sup>on</sup> of appeal to the Court of the Additional Sessions Judge Rourkela who allowed criminal appeal no. 52 of 1989 and set aside the order of conviction and sentence passed against the petitioner. Hence the petitioner now claims for reinstatement and for payment of his arrear financial emoluments.

3. We have heard Mr. D. S. Mishra, learned counsel for the petitioner and Mr. D. N. Mishra, learned Standing Counsel for the Railway Administration in full. In paragraph-12 of the counter it is stated as follows:

"That in reply to para 4(14) it is stated that on the applicant being acquitted, his appeal was considered by the disciplinary authority and the dismissal was set aside on 5.11.90. This order dated 5.11.90 was served on the applicant on 14.11.90 at Chakradharpur, and he joined his former post on 16.11.90. It is submitted that vide order dated 12.12.90, it has been decided to treat the period of suspension

from 27.7.89 to 13.9.89 and the period of his acquittal till his joining i.e. 14.9.89 to 5.11.90 as duty for all purpose and full pay and allowance is being paid to the applicant".

2. In view of the fact that the petitioner has already been reinstated this application has become infructuous. However we would direct that arrear salary of the petitioner, if not already been paid to the petitioner should be paid within 45 days from the date of receipt of a copy of this judgment. Thus the application is accordingly disposed leaving the parties to bear their own costs.

*Alam*  
MEMBER (ADMINISTRATIVE)  
28/4/92

*Basu*  
VICE-CHAIRMAN  
28/4/92

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 28th April 1992/1000

