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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

OA No. 485 of 2011

G.Rama Babu Applicant

Vs

Union of India & Others. Respondents

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Order dated -02-08-2011.

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THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

AND

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

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The case of the Applicant, in nut shell, is that he was a TPM (B) in the Railway. On the allegation that he along with his brothers assaulted a constable of RPF, the applicant was arrested and criminal case was instituted against him. Following his arrest he was suspended by the Railway Administration. Subsequently, after he was released on bail, the order of suspension was revoked by the authority on 23.4.1997. In the GR case the applicant was convicted and based on such order of conviction the applicant was removed from service w.e.f. 23.2.1999. After being unsuccessful in Crl.Appeal No. 24/98 filed before the Addl. Sessions Judge Rayagada he filed Crl.Rev. No. 154/05 before the Hon'ble High Court of Orissa. The Hon'ble High Court of Orissa in its order dated 29.06.2010 while confirming the order of conviction passed by the lower court held that the conviction will not affect the

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service of the petitioner/Applicant following the principle pronounced by the Hon'ble Apex Court in AIR 1985 SC 1278 and extended the benefits flowing from section 3 of the Probation of Offenders Act, 1958. Hence, by making representation in Annexure-2 dated 26.7.2010 before his authority, the applicant sought extension of the service benefit on the strength of the order of the Hon'ble High Court of Orissa. According to the Applicant despite passage of long time he has not been communicated any decision on his representation under Annexure-2. Hence his prayer in this OA is to direct the Respondents to reinstate the applicant and pay him all his consequential service benefits.

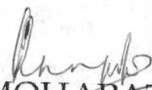
2. It is shocking to note that despite passage of nearly about 12 months, the Respondents are unable to give a reply on the representation under Annexure-2 to the Applicant. When he has made a representation claiming certain service benefits, the Respondents ought to have considered the grievance and given a reply and three months time would have been more than enough for this purpose. Be that as it may, when we pointed out to Learned Counsel for the Applicant that in the peculiar circumstances of the case why he did not make representation to the Respondent No.1 in view of the gravity of the case as according to us the Respondent No.1 will be the competent

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authority to decide, Applicant's counsel sought leave of this Tribunal to make a fresh representation to the Respondent No.1 within a period of 10 (ten) days citing the decision of the Hon'ble High Court of Orissa. In view of the above, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction that in the event of filing of representation by the applicant within a period of ten days, the Respondent No.1 shall consider and dispose of the said representation keeping the order of the Hon'ble High Court of Orissa in view, and communicate the decision in a well reasoned order to the applicant within a period of 45 days from the date of receipt of representation.


(A.K. PATNAIK)
Member (Judl.)


(C.R. MOHAPATRA)
Member (Admn.)