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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application No. 324/2005

Date of decision : 25/02/2009

Hon'ble Mr.N.D. Raghavan, Vice Chairman.

Hon'ble Mr. Tarsem Lal , Administrative Member.

Bheru Lal, S/o Shri Kishan Lal Tak terminated ELF Gr. I under SSE (Elect) N.W. Rly, Udaipur, Resident of Gayariyawas, Udaipur

: applicant.

By Mr. Sandeep Bhandawat : Counsel for the applicant.

VERSUS

1. The Union of India through the General Manager, N.W. rly, Hq. Jaipur.
2. Senior Divisional Electric Engineer, Northern Western railway, Ajmer.
3. The additional Divisional Railway Manager, North Western Railway, Ajmer.

: Respondents.

Rep. By Mr. Manoj Bhandari : Counsel for the respondents.

ORDER

Per Mr. Tarsem Lal, Administrative Member .

The brief facts of the case as culled out from the O.A are that a FIR was lodged against the applicant under Sec. 498 IPC. Charges were framed by the competent court and convicted the applicant under Sec. 498 A IPC with imprisonment of one year and a fine of Rs. 1,000/- vide order dated 16.06.2003. The applicant filed an appeal against the order and the Appellate Court dismissed the appeal of the applicant and confirmed the order dated 16.06.2003 of the competent court vide order dated 12.04.2004. The applicant preferred a revision petition before the Hon'ble High

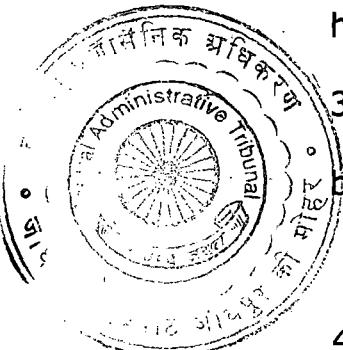


Court and the Hon'ble High Court vide order dated 19.04.2004 allowed the bail application and ordered that the sentence passed by the Additional Civil Judge vide order dated 16.06.2003 and confirmed by the Additional Sessions Judge vide order dated 12.04.2004 against the applicant shall be suspended.

2. In view of the conviction a memorandum dated 18.05.2004 (annex. A/3) for imposing the penalty under rule 14 (i) of the Railway Servants (Discipline and Appeal) rules, 1968 was served upon the applicant. The above memo was replied by the applicant vide his letter dated 23.05.2004(Annex. A/4). The applicant has informed the respondents vide his letter dated 23.05.2004 (A/4) that he has already filed an appeal against the conviction before the Hon'ble High Court of Rajasthan and the Hon'ble High Court has been pleased to suspend the sentence.

3. The respondent No. 2 vide its order dated 30.09.2005, ordered dismissal of the applicant from service with effect from 30.09.2005.(Annex. A/1). Aggrieved by the same the applicant has filed the present O.A and prayed that the order dated 30.09.2005 (Annex. A/1) may kindly be quashed and the applicant be taken back in service.

4. The respondents have filed a detailed reply stating that the pendency of the appeal against the conviction order and suspension of sentence by the Hon'ble High Court will not have any



Part II and III destroyed
in my presence on 8/8/15
under the supervision of
section officer () as per
order dated 07/07/2015

Section officer (Record)