

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 554 OF 2010

Wednesday, this the 8th day of February, 2012

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

R.Raveendran Nair
Helper Grade II/C&W.Kochuveli
Southern Railway
Trivandrum

... Applicant

(By Advocate Mr.K.A.Abraham)

versus

1. Union of India represented by the
General Manager
Southern Railway
Headquarters Office, Park Town PO
Chennai

2. The Chief Mechanical Engineer, HQ Office
Park Town PO , Southern Railway
Chennai – 3

3. The Senior Divisional Mechanical Engineer
Southern Railway,
Trivandrum

4. The Divisional Railway Manager
Southern Railway
Trivandrum

... Respondents

(By Advocate Mr. P.Haridas)

The application having been heard on 08.02.2012, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

Annexures A-1 to A-3 are under challenge. Annexure A-1 is a Penalty Advice removing the applicant from service. Annexure A-2 is the Appellate order. The Penalty was reduced and he was reinstated in service



and substituted the penalty of reduction as Helper Grade II fixing the pay at Rs.2550/- in the scale of pay of Rs.2550-3200 and posted the applicant at Ernakulam for a period of five years. The same was confirmed in revision in Annexure A-3. The subject matter of the penalty imposed is that he was convicted by a competent Criminal Court by imposing a fine of Rs.2000/- and in default, to undergo simple imprisonment for a period of one month. Though there was an appeal and no interference was made on conviction and the penalty imposed became final. On the self made charges disciplinary action was initiated against the employee and he was already punished once. Subsequently based on the conviction by the Criminal Court for the same offence he is proceeded for a second time, the legality or otherwise which was gone into by this Tribunal in the case of the co-accused in OA 4/2010. We have held that since the disciplinary action was taken against the applicant for the same charge by conducting an inquiry and imposed a punishment, for the same charges though imposed by Criminal Court for misconduct and conviction was made does not mean that he can be proceeded for a second time for the same charges. Therefore, the punishment imposed for the reason that he was convicted by the Criminal Court was set aside. An identical is the case here for consideration.

2. In the result, following the decision in OA 4/2010. we find that the penalty imposed as per Annexure A-1 as modified by the Appellate Order Annexure A-2 and confirmed in Annexure A-3 revision are liable to be quashed. We do so. All the monetary benefits lost by the applicant as a result of the penalty imposed shall stand restored to the applicant within a period of two months from the date of receipt of a copy of this order.



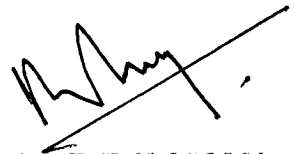
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3. OA is thus **allowed**. No costs.

Dated, the 8th February, 2012.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

VS