

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.7/2005.

Friday this the 7th day of January 2005.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

S.Balaraveendran,
(Ex-Section Engineer/Permanent Way/
Special Work/Palghat)
Residing at T/C No.17/321 (6)
Kullathinkara, Chadiyara, Poojapura,
Trivandrum-12. Applicant

(By Advocate Shri TC Govindaswamy)

Vs.

1. Union of India, represented by
The General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai-3.
2. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai-3.
3. The Chief Engineer,
Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai-3.
4. The Chief Track Engineer,
Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai-3.
5. The Senior Divisional Engineer/Co-ordination,
Southern Railway, Palghat Division,
Palghat. Respondents


(By Advocate Ms.Nandini)

The application having been heard on 7.1.2005,
the Tribunal on the same day delivered the following:

O R D E R (Oral)

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

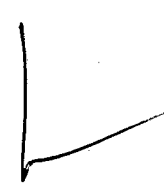
The applicant who, while working as Section Engineer/Permanent Way, Special Work/Palghat, under the Railways, was convicted and sentenced to undergo imprisonment by the Judicial First Class Magistrate, Ottapalam, by judgement dated



9th August, 2002, in connection with alleged offences under the Railway Property (Unlawful Possession) Act. A Criminal Appeal was filed before the Sessions Court, Palghat and the sentence was suspended. On the ground that the conviction was not suspended, by the impugned order A-1 dated 13.2.2004 issued by the 4th respondent, the applicant was removed from service. The applicant approached the Hon'ble High Court of Kerala in WP(C).No.171/48/2004. By A-5 order dated 10.6.2004, the Hon'ble High Court was directed the applicant to approach the Criminal Court for appropriate relief and in the event of getting appropriate orders in the criminal case, to approach the concerned respondent for further reliefs in the matter and the applicant approached the Sessions Court in Cr1. M.C.No.2276/2004 (Cr1.A.No.292/2002). By A-6 order dated 21.7.2004 the Hon'ble Sessions Court suspended the conviction also. The applicant submitted A-7 and A-8 representations praying for reinstatement as if there is no conviction. He did not get any response till date. Aggrieved by the inaction on the part of the respondents the applicant has filed this O.A. seeking the following reliefs:

- a) Call for the records leading to the issue of Annexure A-1 and quash the same;
- b) Direct the respondents to reinstate the applicant back to duty forthwith, with all consequential arrears of pay and allowances, as if Annexure A1 had not been issued at all;
- c) Award costs of and incidental to this Application.

2. When the matter was taken up Shri T.C.Govindaswamy, learned counsel appeared for the applicant and Ms.Nandini, learned counsel appeared for the respondents. Counsel for applicant submitted that as per the directions of the Hon'ble High Court the applicant has approached the appropriate



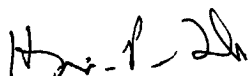
authority. His representation A-7 was not yet responded to. Learned counsel for applicant also submitted that the applicant would be satisfied if a limited direction is given to the respondents to consider and dispose of representation (A-7) with the rule position and the legality on the subject.

3. Learned counsel for the respondents submitted that there is no objection in adopting such a course of action.


4. In the interests of justice, we direct the 1st respondent to consider and dispose of representation (A7) and pass a reasoned order and communicate the same to the applicant within a time frame of six weeks from to^day.

5. O.A. is disposed of as above. In the circumstance, no order as to costs.

Dated the 7th January, 2005.



H.P.DAS
ADMINISTRATIVE MEMBER



K.V.SACHIDANANDAN
JUDICIAL MEMBER