

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 41 of 2002

Monday, this the 14th day of January, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. K.N. Somasekharan Nair,
S/o Krishnan Nair,
residing at Sooryasoma, Devikulam PO,
Munnar [Ex-Lineman (Phones), Munnar] ...Applicant

[By Advocate Mr. M.R. Rajendran Nair]

Versus

1. Sub Divisional Officer, Telecom,
Adimali.
2. Divisional Engineer,
Telecommunication, Thodupuzha
3. The Chief General Manager,
Bharath Sanchar Nigam Ltd.,
Kerala Circle, Trivandrum.
4. Union of India, represented by its
Secretary to Government of India,
Ministry of Communications, New Delhi. ..Respondents

[By Advocate Mr. C. Rajendran, SCGSC]

The application having been heard on 14-1-2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

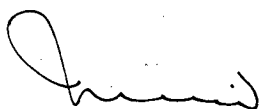
The applicant, Ex-Lineman under the 1st respondent, was by order dated 1-1-1999 dismissed from service by the 1st respondent in exercise of powers conferred by Rule 19(1) of CCS (CCA) Rules, 1965 after consideration of the circumstances which led to his conviction and a sentence to pay a fine or in default to undergo a simple imprisonment by the Judicial First Class Magistrate, Devikulam. The applicant challenged the judgement of the learned Magistrate before the Court of Sessions Judge, Thodupuzha. The learned Additional Sessions Judge, Thodupuzha

vide judgement dated 25-5-2001 in Criminal Appeal No.24/98 set aside the conviction and sentence and acquitted the applicant of the offences finding him not guilty. In view of his acquittal, the applicant made a representation on 23-9-2001 (Annexure A1) seeking his reinstatement by producing a copy of the judgement of the Additional Sessions Judge, Thodupuzha. Finding no response the applicant has filed this application for a declaration that he is entitled for reinstatement in service with all back wages and consequential benefits etc. and for a direction to the respondents to reinstate the applicant in service with consequential benefits.

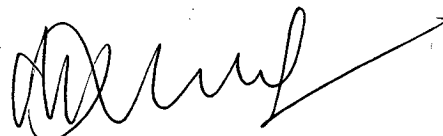
2. When the application came up for admission today, Sri C.Rajendran, SCGSC took notice on behalf of respondents. Counsel on either side agree that the application may now be disposed of directing the 1st respondent to consider Annexure A1 representation of the applicant and to give him an appropriate reply at an early date.

3. In the light of the above submission by the learned counsel on either side, we dispose of the application directing the 1st respondent to consider Annexure A1 representation in the light of Annexure A6 judgement of the Additional Sessions Judge, Thodupuzha and other relevant orders and instructions on the subject and to give the applicant a speaking order order on the representation within a period of one month from the date of receipt of a copy of this order. No costs.

Monday, this the 14th day of January, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the representaton dated 23.9.2001 submitted by the applicant before the 1st respondent.
2. A-2 : True copy of the letter No.X/CC/KNS/92-93/50 dated 24.3.1998 issued by the 1st respondent.
3. A-3 : True copy of the letter No.X/CC/KNS/92-93/54 dated 15.4.1998 issued by the 1st respondent.
4. A-4 : A true copy of stay order dated 9.2.1998 in CrI.M.P.137/98 in CrI.A.24/98 of the Sessions Judge, Thodupuzha.
5. A-5 : True copy of the order No.X/CC/KNS/92-95/79 dated 1.1.1999 issued by the 1st respondent.
6. A-6 : True copy of the judgement dated 25.5.2001 in Criminal Appeal No.24/98 of Additonal Sessions Judge, Thodupuzha.

npp
16.1.02