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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.153/89.

Shri R.M.Gaud.

... Applicant.

V/s.

Director Institute of Armaments,
Girinagar,
Pune - 411 025.

... Respondent.

Coram: Hon'ble Member(J), Shri M.B.Mujumdar,
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:

Mr.E.K.Thomas,
advocate for the
applicant and
Mr.Kotiankar for
Mr.M.I.Sethna
for the Respondents.

Oral Judgment:

(Per Shri M.B.Mujumdar, Member(J))

Dated: 11.8.1989

Heard Mr.E.K.Thomas for the applicant and
Mr.Kotiankar (for Mr.M.I.Sethna) for the respondents.

2. The applicant was convicted by the Judicial
Magistrate First class, Pune under section 457 of the Indian
Penal Code and he was fined Rs.500/- and in default of payment
of fine to suffer further R.I. for two months. He was
also convicted under section 308 read with section 511 of
the IPC and awarded a similar sentence. However, Criminal
Appeal No.119/84 preferred by him was allowed by the
Additional Sessions Judge, Pune on 19.7.1985. The Government
of Maharashtra had preferred an appeal against that judgment

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but it was preferred after the period of limitation was over. The High Court by its order dated 2.11.1988 rejected the application for condonation of delay as there was no explanation for the delay caused in preferring the appeal.

3. After the applicant was arrested he was put under suspension and after he was convicted by the Judicial Magistrate, First Class, Pune he was dismissed from service by order dated 14.6.1985 on the ground of ~~his~~ conviction. The applicant represented for taking him back in service, but that request was rejected by the respondents on 24.1.1989. Hence the applicant has filed his application for directing the respondents to reinstate him in service with full back-wages.

4. Now on 6/24 July, 1989 the Respondent has passed the following order:

"Whereas Shri RAM RATAN GAUD, Ex-Chowkidar was dismissed from service with effect from 14th Jun '85 on the ground of conduct which led to his conviction on a criminal charge.

And whereas the said conviction has been set aside by a competent court of law and the said Shri RAM RATAN GAUD, Ex-Chowkidar has been acquitted of the said charge;

And whereas in consequence of such acquittal the undersigned has decided that the said order of dismissal should be set aside;

And whereas, the undersigned on a consideration of the circumstances of the case has also decided that a further inquiry should be held under the provisions of C.C.S.(C.C.A.)Rules, 1965, against the said Shri RAM RATAN GAUD, Ex-Chowkidar on the allegations which led to

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his dismissal.


Now, therefore, the undersigned hereby--

- (i) Sets aside the said order of dismissal from service;
- (ii) directs that a further enquiry should be held under the provisions of the C.C.S.(C.C.A.) Rules, 1965, against Shri RAM RATAN GAUD, Ex-Chowkidar on the allegations which led to his dismissal from service;
- (iii) directs that the said Shri RAM RATAN GAUD, Ex-Chowkidar shall under subrule (4) of Rule 10 of the C.C.S.(C.C.A.) Rules, 1965, be deemed to have been placed under suspension w.e.f. 14 Jun '85 and shall continue to remain under suspension until further orders."

5. The order is self explanatory. In view of this order Mr.Thomas learned advocate for the applicant submitted that the applicant would not press this application if the applicant is paid subsistence allowance from 14.6.1985. We find no difficulty in giving a direction to that effect to the respondents because the applicant was already under suspension before he was dismissed from service. Hence we pass the following orders.

ORDER

1. The application is disposed of as not pressed.
2. Respondents to pay subsistence allowance to the applicant according to rules from 14.6.1985. Arrears of subsistence allowance be paid to the applicant within two months from the date of receipt of a copy of this order. There will be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(M.B. MULUMDAR)
MEMBER (J).