

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(B)

O.A. NO: 147/92 199
T.A. NO:

DATE OF DECISION 10.6.1992

SHRI SHRINARAYAN HARNARAYAN SURI Petitioner

SHRI R.M.NAKHAWA Advocate for the Petitioners

Versus

THE UNION OF INDIA AND ORS. Respondent

SHRI A.L.KASTURE, Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. JUSTICE S.K.DHAON, Vice-Chairman

The Hon'ble Mr. M.Y.PRIOLKAR, MEMBER(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

S.K.DHAON
(S.K.DHAON)
Vice-Chairman

mbm*

Spec

4
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

ORIGINAL APPLICATION NO. 147/92

Shri Shrinarayan Harnarayan Suri,
Clerk, Commercial Branch, W.Rly.
Churchgate, Bombay.

... Applicant

V/s

1. The General Manager (E),
Western Railway Churchgate,
Bombay-400020.
2. Union of India,
through Law and Judiciary Department
Aayakar Bhavan, Annexe,
New Marine Lines, Bombay - 400020 ... Respondents.

CORAM : HON'BLE JUSTICE MR.S.K.DHAON, Vice-Chairman

HON'BLE MEMBER SHRI M.Y.PRIOLKAR, MEMBER (A)

Appearance :

Mr. R. M. Nakhwa, Adv.
for the Applicant.

Mr. A. L. Kasture, Adv.
for the respondents.

ORAL JUDGEMENT

6 TH JUNE 1992

(PER : S.K.DHAON, Vice-Chairman)

On 21st July 1989 an order was passed dismissing the applicant from service on the ground that he had been sentenced to an imprisonment of three months by the Special Judge of Bombay. The petitioner had preferred an appeal against the order of conviction and on 11.4.1991, the Hon'ble High Court at Bombay accepted the criminal appeal No.447/83 of the petitioner, set aside the conviction and acquitted the applicant. Having failed to get any redress from the Department after the judgement of the High Court, the petitioner has approached this Tribunal.

2. The respondents have not come with the case, that the order of the High Court has been set aside. Therefore, the position is that the said order is to be given effect to. Our attention has been drawn to a communication dated 13th May 1992, which indicates that the petitioner has been re-instated as a Junior Clerk in the scale of Rs.950-1500.

3. The learned counsel for the applicant rightly contended, that the applicant is entitled to be re-instated to the original post. He has also submitted, that the applicant is also entitled to all his back wages from the date of dismissal.

4. We direct the Respondents to reinstate the petitioner to his original post on the footing that he had not been convicted of any offence at any stage. We also direct the respondents to pay to the petitioner the entire back wages from the date of the order of dismissal on the footing that he remained in continuous service without any break. The petitioner shall also be entitled to all the increments, which he would have earned but for the order of dismissal. The respondents will carry out this order within 8 weeks from today. The order need not be communicated to the respondents as their counsel is present and the order is being passed in their presence. Copies of the order may be given to the concerned parties. With these directions this application is disposed off. We make it clear, that, it will open for the respondents to make an enquiry as to whether the petitioner was gainfully employed during the intervening period.


(M.Y.PRIOLKAR)
MEMBER(A)

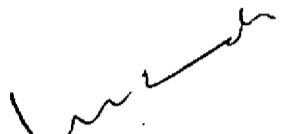

(S.K.DHAON)
Vice-Chairman

13-4-93

8

Mr. G.S. Walia, Counsel for applicant. Mr. A.L. Kasture for the respondents files reply on O.P. no. 18/93. Shri Walia requests the time for till 18-6-93.

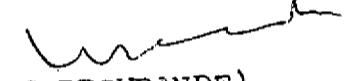

(M.Y. PRIOLKAR)
M(A)


(M.S. DESHPANDE)
VC.

O.A. No. 147/92 Dt. 18.6.1993

Applicant by Shri Walia.
Shri Ramesh Ramamurthy for Shri
A.L.Kasturey for the Respondents.
Adjourned to 2.7.1993.


(USHA SAVARA)
MEMBER(A)

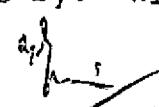

(M.S. DESHPANDE)
VICE-CHAIRMAN

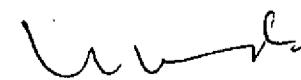
B.

Date: 2-7-1993 C.P. 18/93

Mr. G.S. Walia for the applicant. Mr. V. Narayanan for Mr. A.L. Kasturey for respondents states that pursuant to the direction of the Tribunal given on 6th June, 1992 ^{the above} he has been given promotion. Mr. Walia states that he has no instructions. Mr. V. Narayanan produces letter dt. 17-6-93 whereby the applicant has been given promotion.

In view of this order the direction of this Tribunal seems to be partially complied with. If the applicant has any grievance with regard to the option that has been asked to give and entitlement to the arrears he will be at liberty to file a fresh O.A. if felt necessary. With this liberty C.P. is disposed of.


(M.Y. PRIOLKAR)
M(A)


(M.S. DESHPANDE)
VC