

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 727/92 /199

Date of Decision: 23.7.96

Mohan Appa Munde

Petitioner/s

Shri G.S. Hiranandani.

Advocate for the
Petitioner/s

V/s.

General Manager, Central Rly
and others.

Respondent/s

Shri S.C. Dhawan.

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri P.P. Srivastava, Member (A)

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to
other Benches of the Tribunal ?

B.S. Hegde
(B.S. Hegde)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BULDING NO: 6
PRESCOT ROAD, BOMBAY:1

Original Application No. 727/92

Tuesday the 23rd day of July 1996

CORAM: Hon'ble Shri B.S. Hegde, Member (J)
Hon'ble Shri P.P. Srivastava, Member (A)

Mohan Appa Munde
Resident of Village Agasan,
Post Diva Dist. Thane. Applicant.

By Advocate Shri G.S. Hiranandani.

V/s.

General Manager
Central Railway, V.T.
Bombay.

Assistant Electrical Engineer
(M) BB, Central Railway
D.R.M's office, V.T. Bombay.

Divisional Electrical Engineer
Divisional Office, Central
Railway, V.T. Bombay.

Senior Divisional Electrical
Engineer, Divisional Office
Personnel Branch, Central
Railway, V.T. Bombay.

.... Respondents.

By Advocate Shri S.C. Dhawan.

O R D E R (CRAL)

{ Per Shri B.S. Hegde, Member (J) }

Heard Counsel for the parties.

2. In this O.A. , the applicant is challenging the termination order passed by the Disciplinary Authority on 30.11.89. The charge levelled against the applicant is for remaining unauthorisedly absent. The applicant's contention is that he has been appointed as Khalasi/Helper on 20.4.73, thereafter, till 1988 he was working in that capacity. On 22.4.88 he was arrested by the Police and was under judicial custody till 11.3.91. He has been released on bail on 11.3.91.

3. The main grievance of the applicant is that the enquiry was conducted when the applicant was in police custody and he was unaware of the charge sheet and other developments. After he was on bail, the applicant reported for work but by that time the respondents had already passed the termination order on 30.11.89. Against the termination order the applicant had preferred an appeal on 24.5.91 and the same came to be rejected by letter dated 27.8.91. Against this he preferred a Review petition, which came to be rejected on 16.11.92. Thereafter, he approached this Tribunal. Therefore the applicant contents that since he was in police custody he was not aware of the charge sheet. However, on perusal of the appeal it is seen that the applicant has been convicted by the VI Addl. Session Judge on 8.9.89, against which he preferred an appeal in the Bombay High Court, and the Bombay High Court has granted him bail, and the case is pending before the High Court for consideration.

4. Since the termination has already taken place and the fact of conviction has not been quashed by the High Court, it is not open to the respondents to take him back on duty. In case, the Bombay High Court acquit the applicant on the charges levelled against him, in that event the applicant may approach the respondents to take him back on duty, if so advised. In case the applicant is aggrieved by the order of the respondents, it is open to the applicant to approach this Tribunal. The O.A. is disposed of accordingly. No order as to costs.

(P.P. Srivastava)
Member (A)

(B.S. Hegde)
Member (J)