

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

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Original Application No: **217/94**

Transfar Application No:

DATE OF DECISION: **3.6.1994**

Shri A.T.Bansode

Petitioner

Shri P.V.Daware

Advocate for the Petitioners

Versus

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Divisional Rly. Manager, S.C.R. Hyderabad & Ors.

Respondent

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Shri **M.R.Kolhatkar**, Member (A)

1. To be referred to the Reporter or not? **X**
2. Whether it needs to be circulated to other Benches of the Tribunal? **X**

M.R.Kolhatkar

(M.R.KOLHATKAR)  
MEMBER (A)

B.S.Hegde

(B.S.HEGDE)  
MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY

DA.NO. 217/94

(3)

Shri Asru Tukaram Bansode

... Applicant

V/S.

Divisional Railway Manager,  
S.C.R.Hyderabad & Ors.

... Respondents

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

Hon'ble Member (A) Shri M.R.Kolhatkar

Appearance

Shri P.V.Daware

Advocate

for the Applicant

ORAL JUDGEMENT

Dated: 3.6.1994

(PER: B.S.Hegde, Member (J))

Heard the arguments of learned counsel for the applicant and perused the petition. It seems from Ex.'A' page 8 that the applicant was convicted before the Court of Law on a criminal charge and sentenced to suffer life imprisonment under Section 302 IPC in CC No. 89/87 on 10.12.1987 by Session's Court, Parbhani. He further submits that against the said order he preferred an appeal before the Aurangabad High Court which set aside the sentence of life imprisonment and reduced it to 5 years' imprisonment for un-intentional act vide order No. 35 of 1988 dated 9.7.1990 under IPC 304 Part.II Nevertheless the conviction was sustained.

Appellate

2. Pursuant to the Court's orders the competent authority vide its order dated 3.2.1988 in exercise of the powers conferred by Rule 14 (1) of the RS(D&A) Rules 1968 imposed the penalty of dismissal from service w.e.f. 10.12.1987 the date of conviction.

3. The learned Counsel for the applicant further submits that he has completed 20 years' service and he is jobless and wants us to direct the Respondents to reinstate him in the job or pay the pensionary benefits, including payment of provident fund dues and any other dues which are otherwise payable to the applicant.

4. In the light of the above, we are not persuaded to agree with the contention of the applicant for reinstatement, as we cannot interfere with the decision of the competent authority to dismiss the applicant on the ground of conviction by a Court of law. However, as stated earlier if there are any dues which are otherwise payable to the applicant, the Respondent is directed to make the payment within a period of one month from today.

5. Accordingly, the O.A. is disposed of as devoid of merit.

M.R. Kolhatkar

( M.R. KOLHATKAR )  
MEMBER (A).

B.S. Hegde

( B.S. HEGDE )  
MEMBER (J).

mrj.