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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
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O.A. 1347/95.

Dt. of Decision : 13-11-95.

Khaja Nasseeruddin Ahmed

.. Applicant.

Vs

1. The Chief General Manager,  
(Telecom), Andhra Pradesh,  
at Hyderabad.
2. The Dy. General Manager (Telecom)  
Administration, Hyderabad.
3. The General Manager, (Telecom)  
Warangal, Warangal Dist.
4. Telecom District Manager,  
Karimnagar, Karimnagar Dist.

.. Respondents.

Counsel for the Applicant : Mr. J. Kanakaiah

Counsel for the Respondents : Mr. K. Ramulu, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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Authority to initiate or continue the Disciplinary action in regard to the <sup>allegations</sup> for which the delinquent is prosecuted, if the Disciplinary Authority, going through the judgement, whereby the delinquent is acquitted, feels that the initiation or continuation of the disciplinary proceedings ~~are~~ warranted. Hence the order of reinstatement with the consequential benefits as deserved will not debar the Disciplinary Authority to initiate the Disciplinary Action for the very same allegations which are the subject matter of ~~the~~ before the Criminal Court, for which he is ultimately acquitted, if the circumstances warranted, after perusal of the judgement in the Criminal Appeal No. 742/91. // In the result, the applicant had to be reinstated and the period of suspension and the period from the date of dismissal till the date of reinstatement as per this order have to be treated as on duty. Hence the applicant is entitled for the difference for the period of suspension, and the pay and allowances for the period from the date of dismissal till the date he had to be reinstated as per this order. If in the meanwhile any of his juniors <sup>were</sup> promoted, the applicant had to be considered for promotion.

6. The applicant had to report to Respondent No. 4 along with copy of this order on 20-11-95. If he fails to report on 20-11-95, the period from 20-11-95 till the date he is going to be reported had to be treated as leave for which he may apply. If for any reason the applicant cannot be reinstated on 20-11-95, he is entitled to the ~~xxx~~ pay and allowances

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3. It is stated for the applicant that when he approached Respondent No.4 requesting for reinstatement in view of his acquittal, he was not taken into service and hence he is constrained to file this O.A. praying for quashing the proceedings No.E-4/93-94/21 dt.19-10-93, holding the same as illegal, null and void and for consequential direction to the Respondents to reinstate the applicant to the previous post with all attendant benefits.

4. The Tribunal or the Respondents<sup>have</sup> are concerned only with the ultimate result of the judgement and not with the allegations in the charge sheet. When admittedly, the applicant was removed from service, in view of the conviction for the offences referred to in SC 181/81 on the file of the sessions Court, Karimnagar, the applicant had to be reinstated when once the said conviction is set aside by the Appellate Court. It is needless to say that in such a case that the entire period including period of suspension till the date of reinstatement had to be held as on duty, whereby the applicant will be not only entitled to the full pay and other allowances or the difference, as the case may be but ~~also~~ <sup>also</sup> be entitled for consideration for promotion, <sup>also</sup> if any of his juniors was already promoted.

5. Before concluding, we have to observe that it is now well established that it is open to the Disciplinary Autho-

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from that date till the date he is going to be informed about the posting. This order of reinstatement does not debar the initiation of Disciplinary Proceedings, if the circumstances warrant as referred to in the earlier para.

7. The O.A. is ordered accordingly at the admission stage. No order as to costs. //

CERTIFIED TRUE COPY

\_\_\_\_\_  
Date: 16-11-81  
Court Office  
Central Administration, T.D. Office  
Hyderabad Branch  
Hyderabad

To

- 1. The Chief General Manager (Telecom) A.P. Hyderabad.
- 2. The Deputy General Manager (Telecom) Administration, Hyderabad.
- 3. The General Manager, (Telecom) Warangal, Warangal Dist.
- 4. The Telecom District Manager, Karimnagar, Karimnagar Dist.
- 5. One copy to Mr. J. Kanakiah, Advocate, CAT. Hyd.
- 6. One copy to Mr. K. Ramulu, Addl. CGSC. CAT. Hyd.
- 7. One copy to Library, CAT. Hyd.
- 8. One spare copy.

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15.11.81

Returned

- ① Contempt Petn to be supported by applicant's affidavit
- ② Rule pass. to be corrected.

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206/96

Contempt Case

KARIMNAGAR :: DISTRICT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : AT: HYDERABAD.

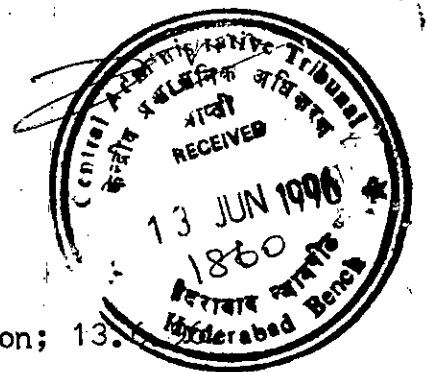
C.C.No of 1996.

in

O.A.No 1347 of 1995.

Material Papers;

1. Dismissal order of Applicant.  
Page --- 1
2. Order Copy of the O.A.No1347/95.  
Page; 2 to 6.
3. Contempt Notice dt, 22.3.96.  
Page; 7. + 8
4. Postal receipts.  
Page; 9.
5. Replay notice issued by Respondents.  
Page. 10.



Field on; 13.

Field by; Jalli Kanakaiah,  
Counsel for Applicant

Filed  
~~206/96~~