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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.36 of 1995.

Between

Dated: 26.12.1995.

V.Guranna

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Applicant

And

1. Chief Mechanical Engineer, South Central Railway, Railnileyam, Secunderabad.
2. Divisional Railway Manager, South Central Railway, Guntakal.
3. Divisional Mechanical Engineer, (Carriage & Wagons), South Central Railway, Guntakal.

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Respondents

Counsel for the Applicant : Sri. N.Raman

Counsel for the Respondents : Sri. D.Francis Paul, SC for Rlys.

CORAM:

Hon'ble Mr. Justice V.Neeladri Rao, Vice Chairman

Hon'ble Mr. R.Rengaraja, Administrative Member

Contd:...2/-

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O.A. No. 36/95.

Dt. of order: 26-12-1995.

JUDGEMENT

[As per Hon'ble Sri Justice V. Neeladri Rao, V.C.]

The applicant herein was convicted for the offence U/s 3(a) of R.P.(U.P.) Act, 1966 and released U/s 4(1) of the Probation of Offenders Act for keeping good behaviour for three years, as per the judgement dt.11.1.90 in C.C.No.3/88 on the file of Spl. Judicial Magistrate of(Ist Class) Railways, Guntakal. On the basis of said conviction, the applicant was removed from service on 13-11-92 (A-2) in exercise of the powers under Rule 14(1) of the RS (D&A) Rules, 1968. The appeal thereon was dismissed. It is assailed in this O.A.

2. It is contended for the applicant that the applicant was released under Probation of Offenders Act, Rule 14(1) of RS (D&A) Rules, 1968 is not applicable.

3. The Apex Court held in 1990(1) ATR 676 SC I UOI vs. Bakshiram (Shetty, J) [that Sec. 12 of Probation of Offenders Act is applicable only in a case where a law provides for disqualification on account of conviction such as disqualification of persons for being appointed in an office, or to contest for election. In view of the conviction, if one is released under Probation of Offenders Act, then in view of Sec.12 of Probation of Offenders Act, the conviction does not come in the way either for appointment or for

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contesting the election or in any case where law provides for disqualification on the basis of conviction. But it was further observed therein that the release of offenders under the Probation of Offenders Act does not ~~as~~ obliterate ^{on the basis of conviction} the conviction and hence if the penalty is imposed under CCS (CCA) Rules, 1965 or R.S. (D&A) Rules, 1968, the same cannot be held as illegal, for it is not a case where the conviction is set aside. As such we cannot accede to the contention of the applicant.

4. No other argument is advanced to challenge the impugned order of removal. Thus this OA does not merit consideration.

5. Accordingly the O.A. is dismissed. No costs.

R. Rangarajan
(R. Rangarajan)
Member (A)

V. Neeladri Rao
(V. Neeladri Rao)
Vice Chairman

Dt. 26th December, 1995
Open Court Dictation.

Amrit
Deputy Registrar (J)CC

kmv

To

1. The Chief Mechanical Engineer, SC Rly, Railnilayam, Secunderabad.
2. The Divisional Railway Manager, SC Rly, Guntakal.
3. The Divisional Mechanical Engineer, (Carriage & Wagons) SC Rly, Guntakal.
4. One copy to Mr. N. Raman, Advocate 21-97, Uttam nagar, Malkajgiri, Hyd.
5. One copy to Mr. D. Francis Paul, SC for Rlys, CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN : M(A)

Dated: 26 - 12 - 1996

ORDER/JUDGMENT

M.A/R.A./C.A.No.

in

O.A.No. 36/95

T.A.No. (w.p.No.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/rejected.

No order as to costs.

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