

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1299-of 1996

DATE OF ORDER: 8th November, 1996

BETWEEN:

J.MUKHALINGAM

.. Applicant

AND

The Divisional Electrical Engineer (G),
South Eastern Railway,
Waltair, Visakhapatnam.

.. Respondent

COUNSEL FOR THE APPLICANT: SHRI D.DHILLESHWAR RAO

COUNSEL FOR THE RESPONDENTS: SRI N.R.DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGMENT

ORAL ORDER (PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI,
VICE CHAIRMAN)

Mr.Dhilleshwara Rao, learned counsel for applicant. Mr. N.R.Devaraj, learned senior standing counsel for respondents.

2. The applicant was placed under suspension by the order dated 14.12.93 as investigation in some criminal offences against him was in progress. The suspension was to remain in force until further order by the competent authority. The said order was passed by the Divisional

[Signature]

Electrical Engineer (G), South Eastern Railway, Waltair under Rule 5(2) of R.S.(D&A) Rules, 1968.

3. It appears that the applicant was proceeded in a criminal prosecution before the II Metropolitan Magistrate, Visakhapatnam for committing the alleged offences under various Sections of the Indian Penal Code. By the judgement and order dated 25.7.96, the criminal court has acquitted the applicant of the offences for which he was charged.

4. Consequent upon the acquittal, the applicant applied to the Divisional Electrical Engineer (G), S.E.Railway, Waltair on 18.8.96 seeking revocation of the suspension order and permission to join duty. Since a period of more than two months has passed but no order on that application has been issued by the respondents, the present OA has been filed on 8.10.96 with a prayer to direct the respondents to reinstate him by quashing the order of suspension. The OA admitted. Shri N.R.Devaraj, learned senior standing counsel for the respondents waived the notice by consent. ^{and} Finally heard.

5. In our view, primarily it is for the competent authority to take suitable decision on the point of reinstatement of the applicant and revocation of the order of suspension in view of the order of the criminal court.



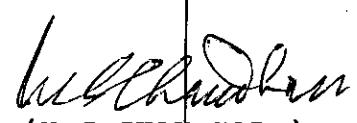
Since the applicant had already moved the authorities for that purpose, it will suffice to direct them to dispose of the representation/request of the applicant dated 18.8.96 expeditiously. Hence the following order:-

The Divisional Electrical Engineer (G), S.E.Railway, Waltair is hereby directed to dispose of the request of the applicant for reinstatement vide his representation dated 18.8.96 read with the reminders he had submitted in continuation thereof within a period of two months from the date of receipt of a copy of this order.

6. The OA is disposed of accordingly. No order as to costs.

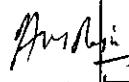
(Copy of the compilation of the OA to be forwarded along with the order to the aforesaid authority. For the said purpose the counsel for the applicant will make a complete set of the OA available to the office unless it has already been supplied. Copy to be supplied within one week).


(R.RANGARAJAN)
MEMBER (ADMN.)


(M.G.CHAUDHARI)
VICE CHAIRMAN

DATED: 8th November, 1996
Dictated in Open Court.

vsn


20-11-96
Deputy Registrar (D.R.C.)

O.A.1299/96.

To

1. The Divisional Electrical Engineer(G)
South Eastern Railway,
Waltair, Visakhapatnam.
2. One copy to Mr.D.Dhilleswar Rao, Advocate, CAT.Hyd.
3. One copy to Mr.N.R.Devraj, Sr.CCSC.CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

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O/A
Copy

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29/11/96

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I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

R.Ranganathan
THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 8-11-1996

ORDER / JUDGMENT

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

in
O.A.No. 1299/96.

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

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

Pls copy to

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal DESPATCH 27 NOV 1996 N.H.P.
हैदराबाद आयोगी HYDERABAD BENCH