

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.No. 900/96.

Dt. of Decision : 26-08-96.

A. Jaya Singh

.. Applicant.

Vs

1. The Union of India, Rep. by its General Manager, SC Rly, Secunderabad.
2. The Sr.Divl.Personnel Officer, SC Rly, Guntakal.
3. The Addl.Divl.Manager, SC Rly, Guntakal.

.. Respondents.

Counsel for the applicant

: Mr. V.Krishna Rao

Counsel for the respondents

: Mr. J.R.Gopala Rao, SC for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE B.C.SAKSENA : VICE CHAIRMAN

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

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JUDGEMENT

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.)

Heard Mr. V.Krishna Rao, learned counsel for the applicant and Mr. Krishna Mohan for Mr. J.R.Gopala Rao, learned counsel for the respondents.

2. The applicant while ^{he} was serving as a Khalasi, was placed under suspension as it is alleged that he was involved in a criminal case on 23-3-1981. The lower Court convicted him for offence under section 302 of IPC and sentenced him ^{for} _{on} life imprisonment. But that conviction was reviewed ⁱⁿ an appeal and the High Court by its judgement dated 6-7-83 set aside the conviction and sentenced him for having found him guilty of offence punishable under section 352 of IPS. The applicant was removed from service w.e.f. 21st December 1981. He filed OA No. 503/92 on the file of this Bench challenging the removal. That OA was disposed of by order dated 31-1-95 directing the General Manager to reconsider his revision order dated 16-2-82 in the light of the observation made in that OA and to pass appropriate orders within a period of two months from the date of communication of a copy of the ³ order in the above referred OA. The General Manager in pursuance of the above direction passed the impugned order No.P.9G/D&A/GTL/J/259 dated 30-08-95 (Annexure-III) rejecting his appeal against the removal.

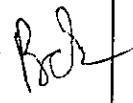
3. Aggrieved by the above, he has filed this OA for setting aside the order of the R-2 in this OA dated 30-08-95 (Annexure-III) and for a further direction to the respondents to reinstate him with all consequential benefits.

4. The impugned order of R-2 dated 30-08-95 was perused. This order cannot be said to be an order issued without going through the facts and other judgements of both in the High Court and Sessions Court in the Criminal case. R-2 had also taken into account the observation made by this Tribunal in OA.503/92 and came to the conclusion that the applicant is not a fit person to be retained in service. In para-2 of the impugned order R-2 has categorically stated that as the applicant had undergone imprisonment for a period of two years the Court came to the conclusion that it was not necessary to further sentence him with imprisonment or fine. R-2 had reasoned that as the applicant did undergo imprisonment for the offence committed by him, he is not a suitable person to be retained in service. Even in the order of the OA.No.503/92 the removal order was not set aside. In that OA it was only directed R-2 to reconsider the issue on the facts of this case and also taking into account the other circumstances which lead to his imprisonment including the observations made in the referred OA. R-2 judiciously considered the case as seen from the impugned order all the facts and circumstances of the case and came to the judicious conclusion that the applicant is not a fit person to be continued in railway service. The impugned order clearly states the reasons for coming to that conclusion and hence challenge to that order cannot be upheld.

5. In the result, the OA is dismissed at the admission stage itself as having no merits. No costs.

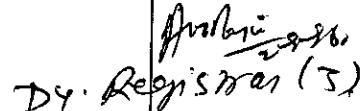


(R. Rangarajan)
Member(Admn.)



(B.C. Saksena)
Vice Chairman

Dated : The 26th August 1996.
(Dictated in Open Court)



D.Y. Registrar (3)

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OA.900/96.

Copy to:-

1. The General Manager, South Central Railway, Union of India, Secunderabad.
2. The Sr. Divl. Personnel Officer, S.C.Rly, Guntakal.
3. The Addl. Divl. Manager, S.C.Rly, Guntakal.
4. One copy to Sri. V.Krishna Rao, advocate, CAT, Hyd.
5. One copy to Sri. J.R.Gopala Rao, SC for Rlys, CAT, Hyd.
6. One ~~copy~~ copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

8/19/96

DA 900/96

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

Amble Mr. Justice B.C. Saksena, M.A.
THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED:

26/8/96

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

D.A.NO.

908796

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No Space Copy

केन्द्रीय प्रशासनिक विधिकार्य
Central Administrative Tribunal
प्रेषण/DESPATCH

- 9 SEP 1996 NAM

हैदराबाद न्यायपीठ
HYDERABAD BENCH