

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 03.9.93. A2

OA 506/93

PRABHU DAYAL

... APPLICANT.

Vs.

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

HON. MR. GOPAL KRISHNA, MEMBER (J).

HON. MR. D.P. SHARMA, MEMBER (A).

For the Applicant

... SHRI R.N. MATHUR.

For the Respondents

... ---

PER HON. MR. GOPAL KRISHNA, MEMBER (J).

The applicant, Prabhu Dayal, has filed this OA u/s 19 of the Administrative Tribunals Act, 1985, praying therein that the respondents be directed to reinstate him in service w.e.f. 14.4.83 and to give seniority, promotion, salary and all other benefits since the same date as if he is continuing in service since then.

2. The facts of this case may be briefly stated as follows. The applicant was holding the post of Station Pump Attendant (Electric) on 15.4.83, when he was apprehended by the Police in a criminal case u/s 302 I.P.C. The applicant was convicted after the trial of the case by the Sessions Court and the appeal filed by him against the judgement of the trial court was rejected by the Hon'ble High Court. During the pendency of the Special Leave Petition in the Hon'ble Supreme Court, the applicant had

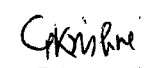
submitted an application to the respondent No.2 with a request to allow him to join duty after he was released on bail by an order of the Hon'ble Supreme Court. However, the respondent No.2 by an order dated 7.8.86 removed the applicant from service. Thereafter, the applicant filed an OA 192/86 but the same was dismissed on 23.9.87 on the ground of his conviction for committing offence u/s 302 of the Indian Penal Code by the Sessions Court as well as Hon'ble High Court. However, it was observed by the Tribunal that in the event of his acquittal he would be entitled to reinstatement with all consequential benefits. The applicant was acquitted of the offence punishable u/s 302 of the Indian Penal Code by an order of the Hon. Supreme Court dated 22.4.93. Despite acquittal of the applicant in the aforesaid criminal case, the respondents are not taking him back in service. However, the applicant has already made a representation to the concerned authority vide Annexure A-1 dated 6.5.93, which has not been disposed of till date.

3. In the circumstances, this OA is disposed of with the following directions;

The respondent No.2 is directed to dispose of the representation dated 6.5.93 (Annexure A-1) on merits through a speaking order within a period of two months from the date of receipt of a copy of this order. The respondent No.2 is further directed to take appropriate decision regarding the consequential benefits claimed by the applicant within the aforesaid period.

4. The OA stands disposed of accordingly, at the stage of admission.


(O.P. SHARMA)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)