

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 291/00659/2014**  
**With**  
**MISC. APPLICATION NO. 291/00393/2015**

**DATE OF ORDER:** 28.03.2016

**CORAM**

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER**  
**HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER**

Khagesh Kumar Sharma S/o late Shri Suresh Chandra Sharma, aged about 26 years, R/o House No. 26, Panchwati Colony, Gali No. 7, Adarsh Nagar, in front of Railway Station, Ajmer and presently working as Platform Porter (P.P.), Railway Station Ajmer, North Western Railway, Ajmer Division, Ajmer.

....Applicant

Mr. C.B. Sharma, counsel for the applicant.

**VERSUS**

1. Union of India through General Manager, North Western Zone, North Western Railway (Head Quarter), Near Jawahar Circle, Jagatpura, Jaipur – 302017.
2. Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer.
3. Assistant Operating Manager, North Western Railway, Ajmer Division, Ajmer.
4. Station Superintendent, Railway Station Ajmer, North Western Railway, Ajmer Division, Ajmer.

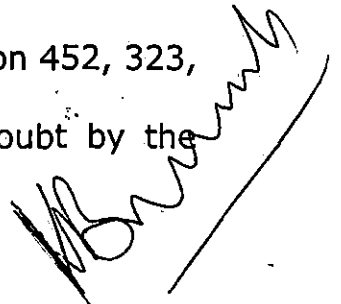
....Respondents

Mr. Y.K. Sharma, counsel for respondents.

**ORDER**

**(Per DR. K.B. SURESH, JUDICIAL MEMBER)**

Heard. The applicant had been appointed on compassionate grounds. Apparently at that point of time or so the applicant had a criminal case pending against him under Section 452, 323, 325 IPC. He was acquitted on giving benefit of doubt by the

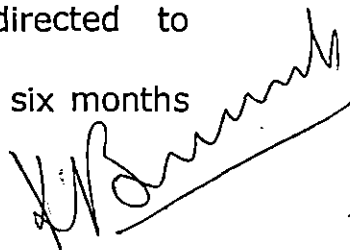


competent criminal court and thereafter he was reinstated back in service. After a gap of about 7 years' time, major penalty proceedings are taken against the applicant, which is now under challenge.

2. It is seen that the charges against the applicant are of serious nature. He was not honourably discharged by the competent criminal court, therefore, the respondents are at liberty to start proceedings against the applicant because if a violent person is allowed in public service, he may prejudice the functioning of the office. Even though there is a delay on the part of the respondents in initiation of the proceedings it will be appropriate for the authority to conduct enquiry against a person who can prejudice the administrative system.

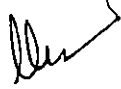
3. At this stage, learned counsel for the applicant raised a question that the respondents had considered those issues at the time of reinstatement of the applicant in service.

4. It is seen that the annexure A/6 Office Order dated 18.12.2007 does not make any mention as to whether those issues have been considered or not at the time of reinstatement of the applicant in service. Thus, we are of the view that it would be appropriate on the part of the respondents to consider the issue by holding a domestic enquiry. However, in the interest of justice, this aspect as to whether there is double jeopardy also has to be considered by the authority at the time of enquiry proceedings. Therefore, the respondents are directed to complete the enquiry proceedings within a period of six months

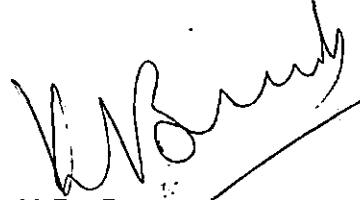


if the applicant cooperates in the enquiry. If the applicant will not cooperate in the enquiry proceedings, it is open for the respondents to pass appropriate orders. If the enquiry proceeding is not finished within six months due to the fault on the part of the respondents, the charges against the applicant will be treated as dropped.

5. The Original Application is, therefore, disposed of to the extent indicated above. The Misc. Application for vacation of interim order is also disposed of.



(MS. MEENAKSHI HOOJA)  
ADMINISTRATIVE MEMBER



(DR. K.B. SURESH)  
JUDICIAL MEMBER

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