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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Order reserved on: 19.08.2015

**ORIGINAL APPLICATION NO. 060/00547/2014
Chandigarh, this the 21st day of August, 2015**

**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

K.S. Brar son of Shri Natha Singh Brar, resident of House No. 990,
Phase 3B-2, S.A.S. Nagar, Mohali, Punjab.

...APPLICANT

BY ADVOCATE: SHRI VIPIN MAHAJAN

VERSUS

1. Union of India through the Secretary to Government of India, Ministry of Home Affairs, North Block, New Delhi.
2. Union of India through the Secretary to Government of India, Ministry of Railways, Rail Bhawan, New Delhi.
3. Chandigarh Administration through the Home Secretary (Engineering Department), Union Territory, Chandigarh Administration, Chandigarh.

...RESPONDENTS

BY ADVOCATE: NONE FOR RESPONDENT NO.1

SHRI LAKHINDER BIR SINGH FOR RESPONDENT NO. 2
SHRI ARVIND MOUDGIL FOR RESPONDENT NO. 3.

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ORDER**HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-**

The applicant, while working as an Executive Engineer with the respondent no. 3, was visited with the penalty of dismissal under rule 13 of the Punjab Civil Services (Punishment and Appeal) Rules 1970, following his conviction in a criminal case, vide the Order dated 10.05.1999 (Annexure A-1). Challenge to the said Order through the O.A. No. 452/CH/1999 failed, vide this Tribunal's Order dated 09.05.2002 (Annexure A-4). The Tribunal, in the penultimate para of its Order, observed as under:

"12. However, if the applicants are acquitted by the Hon'ble High Court/Hon'ble Supreme Court in the criminal cases pending against them, they shall be at liberty to make representation, along with a copy of the judgment delivered by the Hon'ble High Court, to the respondents to consider their reinstatement."

2. The Hon'ble High Court of Punjab and Haryana acquitted the applicant, vide its Decision dated 23.08.2013 in the Criminal Appeal No. 191-SB of 1998 (Annexure A-5). The applicant then sent a legal notice dated 07.03.2014 (Annexure A-6) requesting his reinstatement and consequential benefits. The request was rejected sans reasons by the letter dated 12.06.2014 (Annexure A-1/1).

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3. Through the instant O.A., the applicant prays that Annexures A-1 and A-1/1 be set aside and that directions be issued for his reinstatement in service w.e.f. the date of dismissal, and grant of consequential benefits, including promotion to the post of Superintending Engineer, arrears of salary and pensionary benefits (since he has retired in 2003).

4. We have heard the learned counsel for the parties, perused the pleadings as well as the rulings cited at the Bar, and given our thoughtful consideration to the matter.

5. The only contention on behalf of the respondents is that an SLP against the Hon'ble High Court's Decision in the criminal case is pending in the Hon'ble Supreme Court. However, there is no stay order.

6. Annexure A-1, i.e., the Order of dismissal of the applicant following his conviction in the criminal case, cannot be faulted and the prayer for quashing the same cannot be accepted. This point is also res judicata. However, we are of the view that, subject to the final outcome of the SLP, the applicant may be considered for

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reinstatement and grant of other admissible reliefs. Vigilance Department's 'no' is no reason. Therefore, Annexure A-1/1 is set aside and the respondents are directed to reconsider the case of the applicant and pass a speaking order within one month from the date of receipt of a copy of this Order.

7. The O.A. is disposed of accordingly. No order as to costs.

B. A. Agarwal
(DR. BRAHM A. AGRAWAL)
MEMBER(J)

M. Sandhu

(RAJWANT SANDHU)
MEMBER(A)

Dated: 21.08.2015

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