

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01300 /2014

DATED THIS THE 9TH DAY OF JANUARY, 2018

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI P. K. PRADHAN, MEMBER (A)

A.Thiruselvam,  
S/o M.Ayyadurai,,  
Aged about 62 years,  
Retired JE/DSL/KJM,  
South Western Railway,  
Mysore.  
Resident of No. 63,  
1<sup>st</sup> Main Road, JB Layout,  
Near Railway Diesel Shed,  
KR.Puram, Bangalore.560 036

....Applicant

(By Shri B.Veerabhadra...Advocate)

vs.

1.The Senior Divisional Mechanical Engineer,  
Diesel Loco Shed,  
South Western Railway,  
Krishnarajapuram, Bangalore.560 036

2.The Senior Divisional Mechanical Engineer,  
Divisional Office, Mysore  
South Western Railway, Mysore,

3.The Union of India,  
Rep. By its General Manager,  
South Western Railway,  
Hubli 580 020.

4.The Senior Divisional Personnel Officer,  
South Western Railway,  
Bangalore Division, Bangalore

...Respondents

(By Shri N.Amaresh.. Railway Counsel )

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

1. Heard. This is a case in which we had stayed the Disciplinary Enquiry during the pendency of the criminal proceedings in the Criminal Trial Court. Now, it appears that the applicant has been acquitted in the Criminal Trial . Therefore, for adjudicating of his defence in the Disciplinary Enquiry, there is no prejudice which will be attached to the applicant. The mere fact that the applicant had retired in the mean while will not preclude the respondents from going ahead with the Disciplinary Enquiry. Therefore, there is no ground in the OA . OA is dismissed. No order as to costs.

2. The department can now continue with the Disciplinary Enquiry and the applicant in accordance with the earlier undertaking given by him will cooperate with the Disciplinary Enquiry. The Enquiry may be concluded within a maximum period of 6 months, as agreed to by both counsels.

(P. K. PRADHAN)  
MEMBER (A)

(DR. K.B. SURESH)  
MEMBER (J)

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**Annexures referred to by the applicant in OA No.170/01300/2014**

Annexure A1: True copy of order dated 27.8.2010 the OA.No.435/2005

Annexure A2: True copy of order dated 30.5.2014 in RA.No.9/2011

Annexure A3: True copy of Memorandum dated 5.9.2007

Annexure A4: True copy of written statement dated 14.9.2009

Annexure A5: True copy of interim order in OA.507/2009

Annexure A6: True copy of order dated 20.3.2012 in OA.507/2009

Annexure A7: True copy of order dated 30.7.2013 in Spl.CC.73/2007

Annexure A8: True copy of representation dated 27.1.2014

Annexure A9: True copy of representation dated 11.2.2014

Annexure A10: True copy of Email dated 29.5.2014

Annexure A11: True copy of representation dated 24.6.2014

Annexure A12: True copy of representation dated 2.7.2014

Annexure A13: True copy of letter dated 1.8.2014

Annexure A14: True copy of letter dated 1.8.2014

Annexure A15: True copy of representation dated 16.8.2014

Annexure A16: True copy of letter dated 2.9.2014

Annexure A17: True copy of representation dated 6.9.2014

**Annexures with reply statement :**

Annexure R-1: True copy of Pension payment advice dated 19.8.2014

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