

**Central Administrative Tribunal
Madras Bench**

MA 310/00208/2017 & OA 310/01895/2016

Dated Monday the 6th day of August Two Thousand Eighteen

P R E S E N T

**Hon'ble Shri. R.Ramanujam, Member(A)
&
Hon'ble Shri. P. Madhavan, Member (J)**

G. Lakshminarayanan
23B, Sundar Nagar
Sri Rajeswari Nagar Extn.,
Selaipur, Chennai – 600 073.

.. Applicant

By Advocate **M/s. G. Justin**

Vs.

1. The Union of India rep. by
The General Manager
Southern Railway
Park Town, Chennai – 600 003.
2. The Chief Vigilance Officer
Southern Railway
Park Town, Chennai – 600 003.
3. The Chief Personnel Officer
Southern Railway
Park Town, Chennai 600 003.
4. The Divisional Railway Manager
Southern Railway
Madurai.
5. The Senior Divisional Personnel Officer
Southern Railway, Madurai.

6. The Senior Divisional Mechanical Engineer
Southern Railway, Madurai.

.. Respondents

By Advocate **Mr. A. Abdul Ajees**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following relief:-

“To direct the respondents not to initiate departmental proceedings based on the criminal court judgment dated 29.11.2016 in SC No. 299 of 2010 on the file of the IV Addl. District and Sessions Court at Madurai pending passing of the orders by the 2nd respondent, on the representation dated 16.12.2013”

2. MA 208/2017 is filed to stay all further proceedings initiated by the 6th respondent in pursuance of the show cause notice dated 24.01.2017 in proceedings No. U/TP.28/II/3/DAR/Conviction/V/05/17 pending disposal of the OA.
3. Learned counsel for the applicant would submit that the applicant was entitled to be supplied with a copy of the vigilance report which was not done before initiating the departmental proceedings based on criminal court judgment dated 29.11.2016.
4. Learned counsel for the respondents would, however, produce a copy of the penalty advice dated 23.06.2017 compulsorily retiring the applicant from Railway services with immediate effect. It is submitted that following the conviction of the applicant under Section 324 of IPC and the sentence to undergo imprisonment for three years and to pay a fine amount of Rs. 5000/- in default of which the applicant shall undergo further imprisonment, the applicant was issued with a show cause notice dated 24/25.01.2017, under Rule 14(1) of Railway Services (D&A) Rules

1968. After considering the applicant's representation dated 07.02.2017 in response to the show cause notice, it was observed that the misconduct that led to applicant's conviction and sentence was grave and it was not desirable to retain the applicant in public services. Accordingly he was retired compulsorily from service with immediate effect.

5. After hearing both sides and carefully going through the pleadings and penalty advice dated 23.06.2017, we are of the view that this is not a fit case for the Tribunal to interfere. What is sought in this OA is to restrain the authorities from initiating any departmental proceedings whereas now it is a fait accompli that the final order has been passed compulsorily retiring the applicant in the light of the criminal charges proved against him. No facts have been highlighted before us as to why in spite of such conviction and sentence the applicant ought to have been retained in service and no disciplinary action should have been initiated against him based on such conviction.

6. OA is devoid of merits and dismissed. In view of the above, MA 208/2017 is also dismissed.

(P. Madhavan)
Member (J)

06.08.2018

(R.Ramanujam)
Member(A)

AS