

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01003/2018

Dated Friday the 3rd day of August Two Thousand Eighteen

PRESENT

**HON'BLE MR. R. RAMANUJAM, Member (A)
&
HON'BLE MR. P. MADHAVAN, Member (J)**

G.Venkatachalapathy,
No. 20, Dr. MGR Nagar,
Oulugarapet, Puducherry 605010.Applicant

By Advocate M/s. M. Gnanasekar

Vs

- 1.Union of India rep by,
Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat, Puducherry.
- 2.The Director General of Police,
Government of Puducherry, Puducherry.
- 3.Superintendent of Police (Head Quarters),
Puducherry.Respondents

By Advocate Ms. S. Devie for Mr. R. Syed Mustafa

ORAL ORDER

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

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

"i. To set aside the order of dismissal in No. OSD/DE-1/21-6/DGP/2010 dated 29.07.2016 passed by the 2nd respondent and the order in No. C16013/04/2016/Home P1 dated 22.12.2016 passed by the first respondent and the order of the 3rd respondent made in No. OSFD/DE-1/21-6/DGP/2010 dated 22.06.2016 and consequently direct the respondents to reinstate the applicant in service by treating the period during which the applicant was out of employment, as duty for all purposes, with all monetary benefits including promotion on par with his juniors and arrears of salary and other benefits.

ii. Pass such further orders as are necessary to meet the ends of justice.

iii. Award exemplary cost and thus render justice."

2. It is submitted that the applicant was dismissed from service based on his conviction in a criminal case by a Trial Court. However, on appeal, the Hon'ble Madras High Court had set aside the conviction and, therefore, the applicant was liable to be reinstated into service. On refusal by the respondents to take the matter to its logical conclusion, the applicant filed OA 789/2018 which was disposed of by this Tribunal on 28.06.2018 with a direction to the respondents to consider the representation of the applicant dt. 03.05.2018 in

accordance with law and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of the order.

3. Learned counsel for the applicant would draw attention to the memorandum dt. 22.06.2018 of the 2nd respondent referring to the applicant's representation dt. 03.05.2018 wherein it is stated that the request made by the applicant may not be considered by the disciplinary authority since the applicant had already preferred an appeal before the appellate authority who had also upheld the orders of the disciplinary authority. In case of any revision, the matter should be reported to the concerned authority. It is accordingly apprehended that the respondents have closed the matter and the applicant was unlikely to be reinstated into service. Aggrieved by such action of the respondents, the applicant is before us.

4. Learned counsel for the respondents would, however, point out that the order of this Tribunal in OA 789/2018 was to pass a reasoned and speaking order on the representation of the applicant dt. 03.05.2018 in accordance with law and as per rules within a period of two months from the date of receipt of a copy of the order. The time limit set by the Tribunal has not expired. In the meantime, the applicant could not approach the Tribunal again with a communication made without reference to the Tribunal's order. The respondents are still considering the request of the applicant for reinstatement in the

light of his acquittal by the Hon'ble Madras High Court and the order passed by the Tribunal in OA 789/2018.

5. Recording the above submission, this OA is disposed of.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

03.08.2018

SKSI