

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/020/175/2018

Date of Order : 26.02.2018

Between :

G. Velu Achari,
S/o. Late G. Srinivasa Achary,
Aged 54 years, H.No.2-2-163,
Working as GDS Packer,
Tirupathi West Post Office,
Tirupathi, Chittoor District.

....Applicant

AND

1. Union of India rep by
Director General,
Dept. of Posts,
Sansad Marg,
New Delhi.
2. The Superintendent of Post Offices,
Tirupathi Division,
Tirupathi,
Chittoor District – 517 501
A.P.
3. The Inspector (Posts),
Tirupathi West Sub Division,
Tirupathi – 517 502,
Chittoor, A.P.
4. The Adhoc Disciplinary Authority-cum-
Asst. Superintendent of Post Offices,
(Hqrs) O/o Supdt. of Post Offices (Senior),
Guntur Division,
Guntur – 522 001, A.P.
5. The Post Master General,
A.P. Southern Region,
Kurnool, A.P.

...Respondents

Counsel for the Applicant : Mr. Krishna Devan
Counsel for the Respondents : Mrs. Megha Rani Agarwal,
Addl. CGSC.

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDL. MEMBER
THE HON'BLE MRS. MINNIE MATHEW, ADMN. MEMBER

ORAL ORDER

{ Per Hon'ble Mr.Justice R.Kantha Rao, Judl.Member }

Heard Mr. Krishna Devan, learned counsel appearing for the Applicant. There is no representation on behalf of the Respondents.

2. Since the O.A. is filed seeking the relief of disposal of the representation submitted by the Applicant to the 4th Respondent, we are inclined to dispose of the O.A. at the stage of admission.

3. The brief facts leading to filing of the present O.A. may be stated as follows:

(i) The Applicant is an Extra Departmental Mail Carrier in Tirupathi Division, A.P. Circle. Crime No.53/2010 by the Tirupathi West Police Station was registered against him alleging commission of offences u/S 258, 259, 260 read with Section 34 of IPC. The allegation against him is that he circulated some fake stamps. The Police investigated the case and filed the charge sheet which was tried as S.C.No.222/2011 on the file of the Additional Assistant Sessions Judge, Tirupathi and the Applicant was figured as A-2. On the conclusion of the trial, the Applicant was convicted by the learned Addl. Asst. Sessions Judge and a punishment of six years rigorous imprisonment and a fine of Rs.1000/- was imposed. Aggrieved thereby, the Applicant preferred an Appeal in C.A. No.177/2011 which came to be heard by the IV Additional

Sessions Judge, Tirupathi. So far as the Applicant is concerned, the learned Additional Sessions Judge set aside the judgement of the Trial Court and acquitted him of all the charges.

(ii) Pursuant to the conviction order passed by the Trial Court against the Applicant, the Department removed him from service. According to the learned counsel appearing for the Applicant, the punishment of removal from service was imposed on the Applicant only basing on the conviction recorded by the Criminal Court but no disciplinary proceedings were initiated against him in respect of any charges. After the Applicant was acquitted in Criminal Appeal No.177/2011 by judgement dated 27.2.2017 passed by the Sessions IV Additional Sessions Judge, Tirupathi, he submitted representations dated 10.3.2017 to the Respondent No.4 & 13.3.2017 to the Respondents No.2 & 3 stating that in view of his acquittal in the Appeal which became final, he has to be reinstated into service.

4. Learned counsel appearing for the Applicant submits that since the basis of the removal of the Applicant is only on account of his conviction in a Criminal Case, with his acquittal in the Criminal Case in the Appeal, the Respondents are required to reinstate the Applicant. But they have not passed any orders so far on the representations submitted by the Applicant.

5. In these circumstances, the 4th Respondent is directed to dispose of the representation dated 10.3.2017 submitted by the Applicant requesting to reinstate him into service pursuant to the judgement of acquittal passed in Criminal Appeal No.177/2011 and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of the order.

The O.A. is disposed of at the stage of admission. No costs.

(MINNIE MATHEW)
ADMN.MEMBER

(JUSTICE R.KANTHA RAO)
JUDL.MEMBER

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