

Central Administrative Tribunal
Patna Bench, Patna.
[Circuit Court at Ranchi]

OA 51/00819/2018

Date of Order:- 23.10.2018

C O R A M

Hon'le Shri K.N. Shrivastava, Member A)
Hon'ble J. V. Bhairava, Member [J]

Nathu son of late jagoo, resident of Ghora Murga, P.O.- Chhota Amuna, P.S.
Govindpur, District-Dhanbad.

....Applicant

By Advocate : None

Vs.

1. Union of India through General Manager, Eastern Railway, Office at P.O. and
P.s.- Garden Reach, Kolkata, West Bengal and two others.

..... Respondents.

By Advocate : Shri Prabhat Kumar

O R D E R
(oral)

Per K.N. Shrivastava, M [A]:- The applicant was working as a "Trackman" under Divisional Railway Manger, Asansol i.e respondent no.3 at that relevant point of time. He was prosecuted for a crime in the court of Additional Sessions Judge who convicted him vide order dated 26.02.2007 alongwith few others for the offences Under Section 148 and 302/149 of Indian Penal Code.

2. The applicant appealed against the judgement of Trial Court before the Hon'ble High Court of Jharkhand vide his Appeal bearing No.1301/2007. Likewise, the other co-convicted persons also challenged their conviction before the Hon'ble High Court in their Criminal Appeals.

3. All these appeals were heard together by the Hon'ble High Court and vide its judgement dated 08.03.2018 acquitted the applicant and other co-accused giving them benefit of doubt.

4. During the pendency of the appeal before Hon'ble High Court, the applicant superannuated from service on 28.02.2009. Following his acquittal by the Hon'ble High Court, the applicant submitted his Annexure A/6 representation dated 07.06.2018 to Divisional Railway Manager, Asansol, respondent no.3 seeking release of his retirement benefits.

5. Issue notice. Shri Prabhat Kumar accepts notice on behalf of the respondents. Brief arguments of Shri Prabhat Kumar was heard.

6. Considering the nature of relief claimed, we dispose of this OA at the admission stage itself with direction to the respondent no.3 i.e Divisional Railway Manager to accord due consideration to the Annexure A/6 representation of the applicant and after verification of the facts, dispose it of by way of passing a reasoned and speaking order within a period of three months from the date of this order. In case the applicant remains dissatisfied by the order to be passed by the respondent no.3, he shall have liberty to take recourse to appropriate remedy, as available to him under law.

[J. V. Bhairava]
Member (J)

(K.N. Shrivastava)
Member(A)