

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

MA No.120/2019 in & OA.No.1224/2015

Dated Friday, the 8th day of March, 2019

PRESENT

**Hon'ble Mr.R.Ramanujam, Administrative Member
&
Hon'ble Mr.P.Madhavan, Judicial Member**

S.Jaganathan,
S/o.Sokkalingam,
No.3, Middle Street,
Vennilla Nagar, Saram Post,
Puducherry 605 013.

...Applicant

By Advocate M/s Sreethi Law Firm
Vs.

1. The Director General of Police,
Dumas Street, Puducherry 605 001.

2.The Inspector General of Police,
Dumas Street, Puducherry 605 001.

3.The Senior Superintendent of Police
(C&I) (Head Quarters) Puducherry 605 001.

4.The Superintendent of Police (Head Quarters),
Puducherry 605 001.

5.The Inspector of Police,
PAP "B"Company,
Gorimedu, Puducherry 605 006.

...Respondents

By Advocate Mr.R.Syed Mustafa

ORDER

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

Heard. MA 120/2019 for restoration of OA 1224/2015 is allowed and OA 1224/2015 is restored to its original position.

2. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“(i)To issue a order or direction calling for the records of the Senior Superintendent of Police, (C&I), Puducherry, the 3rd respondent herein in Order No.OSD/DE-1/20-8/SSP(C&I)/2008 dt. 17.10.2014, and the records of the Inspector General of Police, Puducherry, the 2nd respondent herein in No.OSD/DE-1/20-8/SSP(C&I)/2008 dt. 27.01.2015 and to quash the same and directing the respondents to reinstate the petitioner in service with continuity of service with full salary and all other attendant benefits within a time frame as fixed by this Hon'ble Tribunal and to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper and thus render justice.”

3. It is submitted that the applicant was imposed with a penalty of dismissal from service by the disciplinary authority's Annexure A-10 order dated 17.10.2014. The applicant made Annexure A-11 appeal dated 15.11.2014 which was rejected by the appellate authority by Annexure A-12 order dated 27.01.2015.

4. It is alleged that the applicant had been punished on the same charges as were before the criminal court at the relevant time.

Since the charges were proved in the departmental enquiry, he was imposed with the penalty of dismissal. However, the applicant had been acquitted of the charges in all the criminal cases pending against him by the Trial court as such he is now entitled to reinstatement in the light of this development, it is urged.

5. On perusal, it is seen that the applicant has not filed any representation seeking reinstatement following the alleged acquittal. It is also not clear whether the charges were one and the same and whether his acquittal would in any way impinge on the findings arrived at at the conclusion of the departmental enquiry which led to his dismissal from service.

6. Under the above circumstances, we are of the view that without going into the substantive merits of the applicant's claim, the applicant could be permitted to make a representation before the competent authority informing them of his alleged acquittal in the criminal case and seek an appropriate order to reinstate him into service. In the event of such representation being made, it is for the respondents to consider the matter in accordance with law

as also the background and facts of the departmental enquiry conducted against the applicant and take an appropriate decision within a reasonable period thereof.

7. OA is disposed of with the above observations. No costs

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

08.03.2019

M.T.