

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 1971/2014

New Delhi, this the 7th day of November, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)**

Jagmohan Sharma,
Aged about 58 years,
S/o Late Shri O.P. Sharma,
Presently working as AFA/SDT,
EDPM Centre, Baroda House,
New Delhi and
R/o 208-A/2, Railways Flats,
Punchuan Road, New Delhi-110055.

.. Applicant

(By Advocate: Shri S.K. Das)

Versus

1. Union of India through
Secretary, Ministry of Railway,
Rafi Marg, New Delhi-110001.
2. General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.
3. The FA & CAO,
Northern Railway,
Baroda House,
New Delhi-110001.

.. Respondents

(By Advocate : Shri V.S.R. Krishna with
Shri Shailendra Tiwary)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman**

The applicant was working as Assistant Divisional Financial Manager in the Northern Railway. A Criminal case was registered against him, alleging offences punishable under Section 420 of the IPC and Section 13 and other related provisions of the Prevention of Corruption Act, 1988. He became due to retire on attaining the age of superannuation in the year 2007. His case was considered by the DPC, but in view of pendency of the criminal case, the sealed cover procedure was adopted. This O.A. is filed with a prayer to open the sealed cover and to extend the consequential benefits.

2. Respondents filed a counter affidavit opposing the O.A. It is stated that once the sealed cover procedure was adopted on account of pendency of a criminal case, it cannot be opened unless the applicant comes clean in the criminal case. It is brought to our notice that the applicant is convicted in the criminal case, through order dated 24.06.2018.

3. We heard Shri S.K. Das, learned counsel for the applicant and Shri V.S.R. Krishna with Shri Shailendra Tiwary, learned counsel for the respondents.

4. Two facts become relevant. The 1st is that the applicant has attained the age of superannuation. The 2nd is that he has been convicted in the criminal case. The sealed cover procedure was adopted on account of pendency of the criminal case. Once he is convicted, the question of opening the same does not arise. It is a different matter that if the appeal filed by the applicant is allowed and he is acquitted, he can make an appropriate representation, at the appropriate stage.

5. We, therefore, dismiss the O.A. leaving it open to the applicant to pursue the remedies in accordance with law, in case he succeeds in the appeal preferred by him. There shall be no order as to costs.

(Nita Chowdhury)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/