

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.2499 of 2016 and
W.M.P.No.2132 of 2016

- 1.Union of India
rep.by General Manager,
Southern Railway,
Park Town, Chennai-600 003.
- 2.The Chief Medical Superintendent,
Chennai Division,
Railway Hospital, Southern Railway,
Egmore, Chennai-600 008. Petitioners

-vs-

- 1.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai-600 104.
- 2.M.Viswanathan
Health Inspector, NGO,
Southern Railway, Chennai-600 003. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the entire records of the first respondent in O.A.No.310/00626 of 2014, the undated order of the Member (Judicial) and the order dated 24.03.2015 of the other member (Judicial) made in O.A.No.310/00626 of 2014 and quash the same.

For Petitioners:: Mr.V.Radhakrishnan, Sr.Counsel
for Mr.P.T.Ramkumar

For Respondents:: Mr.C.K.Chandrasekaran
for R1 and R2

ORDER

(Made by M.DHANDAPANI, J.)

The second respondent herein was working as Health Inspector in the Egmore Railway Station, Chennai. It was alleged that he demanded an amount of Rs.3,000/- for clearing a bill from the cleaning contractor. The investigating authority set up a trap and the second respondent was caught red-handed. The second petitioner issued a sanction order on 08.12.2006 for prosecuting the second respondent and consequently he was prosecuted before the Principal Court for CBI cases. After completion of the trial, the Principal Special Judge for CBI cases, Chennai, convicted the second respondent under Section 7 of the Prevention of Corruption Act and imposed a punishment of one year rigorous imprisonment and a fine of Rs.5,000/- and also under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and imposed a punishment of two years rigorous imprisonment and a fine of Rs.10,000/- by order dated 08.09.2010 in C.C.No.1 of 2007. The sentences imposed by the Trial Court was suspended by this Court in Crl.A.No.548 of 2010 by order dated 23.09.2010, but the conviction was not set aside. Finally, the second respondent was removed from service by proceedings dated 16.04.2014 by the Department.

2.Challenging the said order, the second respondent filed an original application in O.A.No.310/00626/2014 before the Central Administrative Tribunal, Madras Bench. The Judicial Member of the Tribunal allowed the original application and the Administrative Member of the Tribunal dismissed the original application. Since there were two divergent views between two Judges of the Tribunal, the matter was referred to the third Member and the third Member set aside the order dated 16.04.2014 impugned therein, by order dated 24.03.2015.

3.Challenging the undated order of the Judicial Member of the Tribunal allowing the claim of the second respondent and the order dated 24.03.2015 of the third Member, the present writ petition is filed by the Department.

4.When this writ petition was taken up, the learned counsel for the second respondent has submitted that the conviction and sentences imposed against the second respondent in C.C.No.1 of 2007 on the file of the Principal Special Judge for CBI Cases, Chennai, by judgment dated 08.09.2010, was set aside by a learned single Judge of this Court by the judgment made in Crl.A.No.548 of 2010 on 13.03.2018. He has also produced a copy of the said judgment.

5.In view of the above, nothing survives for consideration in this writ petition and accordingly the same is dismissed. No costs. Consequently the connected miscellaneous petition is closed. The petitioners / Department may proceed with further course of action against the second respondent, if need be, in accordance with law.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The General Manager,
Southern Railway,
Park Town, Chennai-600 003.
- 2.The Chief Medical Superintendent,
Chennai Division,
Railway Hospital, Southern Railway,
Egmore, Chennai-600 008.

+1cc to Mr.P.T.RAMKUMAR, Advocate, S.R.No.35172

+1cc to Mr.C.K.CHANDRASEKKAR, Advocate, S.R.No. 35643

W.P.No.2499 of 2016
and
W.M.P.No.2132 of 2016

SS(CO)
TR(13/06/2018)

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