

**Central Administrative Tribunal
Principal Bench**

OA No. 45/2020
MA No. 51/2020

New Delhi, this the 6th day of January, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

Surampal Singh,
S/o late Ram Chandra Singh,
R/o A-702, Doctors' Park Sector-5,
Vasundhra Ghaziabad
Uttar Pradesh-201012

- Applicant

(By Advocate: Shri Rakesh Kumar)

VERSUS

1. State (NCT of Delhi)
Through the Chief Secretary,
State Secretariat, IP Estate,
New Delhi-110 002
2. Govt. of NCT of Delhi,
Through the Secretary of Education,
Old Secretariat,
Near Vidhan Sabha,
Civil Lines, New Delhi, Delhi-110054
3. The Director of Education,
Old Secretariat,
Near Vidhan Sabha,
Civil Lines, New Delhi, Delhi-110054
4. The Regional Director of Education,
North West-B-FU Block,
Pitampura,
Delhi-110034
5. The Deputy Director of Education,
District North West-A,
Directorate of Education,
BL-Shalimar Bagh,
Delhi-110088

- Respondents

(By Advocate: Ms. Esha Mazumdar)



: O R D E R (ORAL) :

Justice L. Narasimha Reddy:

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This MA is filed with a prayer to condone the delay in filing the OA. It is stated that the MA itself had been filed on an objection raised by the Registry.

2. After hearing the learned counsel for the parties, we are convinced that there is no delay as such since the applicant was waiting for the disposal of his representation. MA is accordingly allowed.

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3. The applicant was employed as a Trained Graduate Teacher (TGT) in the Directorate of Education of GNCTD. He figured as accused in Criminal Case No. 35C/2008 and the offence punishable under 147 read with 307/149IPC was alleged against him. Through its order dated 18.06.2018, the Trial Court of Additional Sessions Judge, Bulandsahar, UP, convicted the applicant and sentenced him to undergo imprisonment for six months and imposed fine of Rs.1,000/-. Taking the same into account, the Appointing Authority (AA) passed an order dated 21.05.2014, dismissing the applicant from service.

4. The applicant states that he preferred Criminal Appeal No. 7317/2017 before the Hon'ble High Court of Allahabad, feeling aggrieved by the judgment of the Trial



Court and through the judgment dated 25.02.2019, the High Court has allowed the appeal.

5. Bringing this fact to the notice of the AA, i.e., 3rd respondent herein, the applicant submitted a representation dated 18.02.2019 with a prayer to revoke the order of dismissal and that since he has attained the age of superannuation on 30.04.2018, to extend him the benefit of salary and pension.

6. This OA is filed, challenging the order of punishment dated 21.05.2014 and to declare that the applicant be deemed to be in service and entitled to arrears of salary and consequential benefits. Other ancillary reliefs are also prayed for.

7. The applicant contends that when the punishment was exclusively on the basis of the order of conviction in the criminal case, the 3rd respondent was under obligation to recall the order of dismissal, once the Hon'ble Allahabad High Court has allowed the appeal, setting aside the conviction and sentence.

8. We heard Shri Rakesh Kumar, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents, at the stage of admission.

9. It is true that the order of punishment was passed against the applicant on 21.05.2014 exclusively on the basis of his conviction in the criminal case, not as a result



of the disciplinary proceedings. The question, as to whether the order of dismissal is to be recalled or modified in light of the judgment of the Allahabad High Court in the Criminal Appeal No. 7317/2017, needs to be considered by the 3rd respondent. Much would depend upon the relevant rules. The representation made on 18.04.2019 cannot be kept pending indefinitely.

10. We, therefore, dispose of the OA, directing the 3rd respondent to pass order on the representation of the applicant dated 18.04.2019, within a period of two months from the date of receipt of a copy of this order.

There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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