

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.3066/2001.

New Delhi, this the 9th day of November, 2001

Hon'ble Shri S.A.T.Rizvi, Member(A)  
Hon'ble Shri Shanker Raju, Member(J)

Shri Chatter Singh,  
S/o Shri Kripa Ram  
Ex. Dresser  
(Health Delhi Govt. of N.C.T. Delhi)  
R/o VPO Mitraon,  
New Delhi-110043.  
(By Advocate: Shri Umesh Singh)

-APPLICANT

Versus

1. Govt. of N.C.T. of Delhi,  
Through Chief Secretary,  
Near I.G. Indoor Stadium,  
New Delhi.
2. Director,  
Health Services,  
Govt. of N.C.T. of Delhi,  
E-Block, Saraswati Bhawan,  
Cannaught Place  
New Delhi.

-RESPONDENTS

O R D E R (ORAL)

By Hon'ble Shri Shanker Raju, Member(J)

We have heard the learned counsel for the applicant.

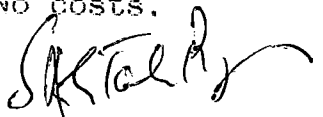
2. The applicant, having been convicted of an offence under Section 302, 307, 148, 149, 109 IPC, was dismissed from the service by the respondents under Rule 19 of CCS(CCA) Rules, 1965. The conviction of the applicant was upheld by the Hon'ble High Court as well as the Hon'ble Supreme Court and Session Court. Being aggrieved with the order of removal from service, the applicant preferred an appeal on 15.6.1995. No decision has so far been taken by them. As the applicant was in judicial custody, he could not prefer an appeal against

the order of removal on being released from judicial custody after completion of the sentenced the applicant has preferred the appeal.

3. Having regard to the guiding principles laid down in OMs dated 11.11.85 as well as 4.4.86 respondents have to apply their minds as to the circumstances which led to the conviction of an accused as well as to the proportionality of punishment. The delinquent official has been afforded a right to prefer an appeal in this regard to the next higher authority.

4. As the applicant has already preferred an appeal contending that the punishment with excessive. Ends of justice would be met if the present OA is disposed of at the admission stage even without issuing notices to the respondents with a direction to them to consider the appeal of the applicant filed on 15.6.95, having regard to the guide-lines of Government of India on the subject and thereafter to pass a detailed and speaking order within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju  
(Shanker Raju)  
Member((J)

  
(S.A.T. Rizvi)  
Member((A)

/kd/