

Central Administrative Tribunal  
Principal Bench

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O.A. No. 509/96

New Delhi, this the 17th day of May, 1996

Hon'ble Shri A.V. Haridasan, Vice-Chairman (J)

Hon'ble Shri R.K. Ahooja, Member (A)

Subhash D. Pachbhawe s/o  
Shri Dharaman Pachbhawe,  
Cell No. 32, Ward No. 10,  
Central Jail No. 2,  
Tihar, New Delhi- 64.

...Applicant

(In person through jail)

Versus

1. Joint Secretary (Trg.),  
and CAO, Ministry of Defence,  
Government of India B.H.Q., P.O.,  
New Delhi- 110 011.

2. Director of Administration (Civil),  
Navel Hqrs. D.H.Q., P.O.,  
New Delhi- 110 011.

..Respondents

(By Shri V.K. Mehta, counsel)

O R D E R (ORAL)

By Hon'ble Shri A.V. Haridasan, Vice-Chairman (J)

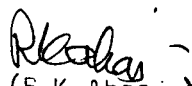
This application has been filed by the applicant who is under going sentence against an order passed by the first respondent dismissing him from service on account of his conduct which led to his conviction for offences under Sections 3, 5 & 9 of the Official Secrets Act and Section 120-B of IPC and consequent sentence of rigorous imprisonment for 14 years, 2 years and five years respectively <sup>on each count</sup>. The applicant's contention is that he was convicted by the trial court in a case which was fabricated and that he has filed an appeal before the High Court.


4

which has since been admitted and pending. Since <sup>the</sup> a guilt of the applicant has not been finally established, the respondents are not justified in dismissing him from service. *Contends the applicant*

The respondents <sup>have</sup> contended that the applicant had been found guilty of offences Under Section 3 & 5 of the Official Secrets Act and 120-B of the I.P.C. and sentenced to undergo rigorous imprisonment for a period of 14 years and that the impugned order was passed in accordance with law after giving the applicant a notice and an opportunity to show cause. The pendency of an appeal against the order of conviction and sentence, according to the respondents, should not stand in the way of the respondents dismissing the applicant from service in accordance with law, if the competent authority finds that the conduct of the applicant which led to the conviction rendered him ineligible to continue in government service.

We do not find any infirmity in the impugned order even prima-facie requiring further deliberation of the application. If the applicant is ultimately acquitted by the High Court, it may be open for him to seek appropriate relief from the respondents themselves. Therefore, finding nothing in this case for further deliberation, the application is rejected Under Section 19(3) of the Administrative Tribunals Act. As the applicant is undergoing rigorous imprisonment in Jail, a copy of this order be transmitted to him in Jail.

  
(R.K. Ahooja)  
Member (A)

  
(A.V. Haridasan)  
Vice-Chairman (J)