

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1184/87

Decided on : 25.7.1991

V. K. BHASKAR

... APPLICANT

VS.

UNION OF INDIA & OTHERS

... RESPONDENTS

Shri Umesh Misra, Counsel for the Applicant.

Shri J. S. Bali, Counsel for the Respondents.

CORAM : HON'BLE MR. JUSTICE U. C. SRIVASTAVA, V.C.
HON'BLE MR. I. P. SHARMA, MEMBER (A)

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JUDGMENT (ORAL)

Hon'ble Mr. Justice U. C. Srivastava, Vice Chairman (J) :

The applicant along with others was convicted for an offence punishable under section 409, 477, 477A and 120-B of the Indian Penal Code and section 5 (2) of the Prevention of Corruption Act. The applicant was a UDC in the Delhi Administration. Following the conviction and sentence the applicant was removed from service. Against the conviction and sentence the applicant preferred an appeal which was admitted and the sentence was suspended. The appeal has since been pending in Punjab and Haryana High Court. The present application is directed against the order of dismissal from service. One of the co-accused, Shri Jawala Dass filed OA No.56/87 before the Chandigarh Bench of the Tribunal. It was contended before the Chandigarh Bench that the Madras Bench of the Tribunal in P. K. Prabhakaran Vs. Union of India & Ors. (1986(3) SLJ 173) had taken the view that if an appeal against the conviction and the sentence is

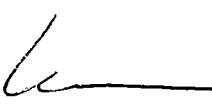
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pending in a court, the order of removal or dismissal from service should not be made. From the judgment of the Chandigarh Bench it would appear that the Chandigarh Bench did not agree with the view taken by the Madras Bench. However, having regard to the case Vijay Kumar & Ors. Vs. Union of India & Ors. (ATR 1987 (1) CAT 233), the Chandigarh Bench felt obliged to follow the view expressed by the Full Bench of CAT, Bombay and allowed the application, set aside the impugned order of dismissal leaving it open to the respondents to pass fresh order after the criminal appeal pending in the High Court is finally disposed of.

2. Considering the facts of the case and as already held by a Full Bench of the Tribunal in Vijay Kumar's case, we are allowing this application and the order of dismissal from service is hereby set aside with the observation and direction that in case the appeal is dismissed, then the applicant will not be entitled to the benefits. Accordingly the respondents are directed to reinstate the applicant in service.

No orders as to costs.


(I. P. Gupta)
Member (A)


(U. C. Srivastava)
Vice Chairman (J)