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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1619 of 2004

New Delhi, this the 7th day of July, 2004

HON'BLE MR.JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE MR.S.A. SINGH, MEMBER(A)

Shri Ram Kishan
S/o Shri Ram Pat
R/o 1128, Patna Paposian,
Narela,
New Delhi.

..Applicant

By Advocate: Mrs. Avnish Ahlawat.

Versus

1. Director of Education,
Directorate of Education,
Government of NCT of Delhi,
New Delhi.
2. Deputy Director (North West-A)
Hakeekat Nagar,
Directorate of Education,
Government of NCT of Delhi,
New Delhi.

..Respondents

O R D E R (ORAL)

By Hon'ble Mr.Justice V.S. Aggarwal, Chairman

Applicant, Ram Kishan, was tried for the offence punishable under 323 & 324 of Indian Penal Code. On 20.12.2001, he was held guilty of the said offences. Instead of sentencing him, he was granted the benefit of Section 360 of Code of Criminal Procedure and released on probation. He preferred criminal appeal No.511/2002 in the Delhi High Court. The Delhi High Court dismissed the appeal by directing that the employer shall not use the conviction for any purpose that may effect the service including the dismissal.

2. Subsequently applicant is being dealt with departmentally. Memorandum of articles of charge has



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been served. Applicant has replied to the same and has taken a plea that keeping in view the decision of the Delhi High Court to which we have referred to above, the said conviction cannot be used for any purpose effecting a service which includes departmental proceedings.

3. Counsel for applicant informs us that despite this plea having been taken, the respondents have appointed an enquiry officer and they intend to proceed with the departmental enquiry.

4. At this stage, keeping in view the sequence of events to which we have referred to above, we direct that respondent No.1 should consider the said plea and preferably pass a speaking order within 3 months of the receipt of the said copy and communicate it to the applicant. It would be appreciated, till the decision is taken, no penalty should be awarded to the applicant. OA stands disposed of.


(S.A. SINGH)
Member (A)


(V.S. AGGARWAL)
Chairman

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