

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 24TH DAY OF JANUARY, 1997

Original Application No. 1132 of 1996

Tejpal TS 6648 Master Craftsman  
Shaw Mill Shop N.E. Railway, S/o Rudra Singh  
R/o Mohalla, Rajendra Nagar, A Block  
Police Station Prem Nagar, Distt.  
Bareilly.

Applicant

Versus

1. Union of India through General  
Manager, N.E. Railway, New Delhi
2. Chief Work Shop Manager(Karmik)  
Izat Nagar, Bareilly(N.E.Rly)
3. Work Shop Manager(Karmik), Izat Nagar  
Bareilly(N.E. Rly)

Respondents

O R D E R (Oral)

HON.MR.S.DAS GUPTA, MEMBER(A)

This O.A has been filed U/s 19 of the Administrative Tribunals Act 1985 seeking quashing of order dated 2.4.96 by which the applicant was removed from service and also the order dated 14.8.96 by which his appeal was rejected. He has also sought quashing of the order dated 13.12.95 by which the applicant was deemed to have been suspended.

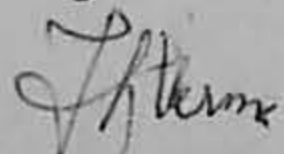
2. The averments in the OA disclosed that the applicant was involved in a criminal case u/s 498 A and 306 I.P.C and he was convicted by the trial court. On the basis of this conviction the respondents proceeded against the applicant under section 14(1) of the Railway Servants(Discipline & Appeal ) Rules. ~~Th~~ show cause notice was issued to the applicant as to why he shall not be removed from service on the basis of his

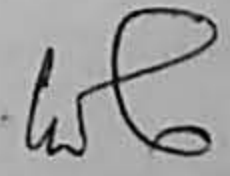
conviction on a criminal charge and after considering the reply to show cause notice the impugned order of penalty of removal from service was imposed on the applicant. Prior to this the applicant was placed under suspension by order dated 30.12.95. The applicant had preferred an appeal against the order of removal from service and the same was dismissed.

3. The only <sup>substantive</sup> plea taken by the applicant ~~that~~ <sup>is</sup> challenging the aforesaid orders is that subsequently he had filed an appeal before the High court of Judicature at Allahabad and by an order dated 4.12.95 the applicant was enlarged on bail. The applicant's plea <sup>is</sup> that since the appeal has been admitted by the High court the respondents could not have imposed penalty on the basis of the conviction which has been appealed against.

4. It is now settled law that if an employee is removed or dismissed from service on the basis of the conviction in a criminal case, he does not get automatically reinstated in service, if an appeal against the conviction is admitted by the appellate court or even if the sentence is suspended. This proposition of law has been laid down by the Hon'ble Supreme Court in the case *St. of Gujarat v. S. Nagar* 1995 SC (L&S) 686.

5. In view of the foregoing the plea of the applicant is not tenable. This application, therefore, has no merit and is dismissed accordingly at the admission stage itself.

  
MEMBER(J)

  
MEMBER(A)

Dated: 24th January, 1997

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