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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 27TH DAY OF AUGUST, 1997

Original Application No. 734 of 1997

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

HON.MR.D.C.VERMA, MEMBER(J)

Nooruddin, son of Nazrul Haq,
R/o 101/262 Beconganj, police station
Colonelganj Kanpur,.

.. Applicant

(By Advocate Shri G.D. Mukherjee)

Versus

1. Union of India through Secretary
Ministry of Defence, D.H.Q
Post office, New Delhi
2. General manager, Ordnance Equipment
Factory, Kanpur.

... Respondents

O R D E R(Oral)

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

The applicant in this case was convicted and was sentenced to rigorous imprisonment, based on his conviction the respondents passed an order removing him from service. Subsequently the applicant filed an appeal before the High court of judicature at Allahabad and he was enlarged on bail. Thereafter on ~~an~~ another application filed by him the High court by order dated 11.10.91 suspended the sentence of imprisonment. The applicant prays that as his sentence has been suspended he may be ~~automatically~~ reinstated in service.

2. As the controversy is fully covered by a recent decision of the Hon'ble Supreme court in ~~the~~ case of Deputy Director of College ~~and~~ education Vs. Nagoor Meera reported in 1995 SCC(L&S) pg686 we do not consider it necessary to obtain any reply from the respondents and proceeded to decide the matter in limine:

3. The Hon'ble Suopreme court has specifically held that where a sentence is suspended and the accused is released on bail by the appellate court, the provision relating to

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dismissal, removal or reduction in rank of a government servant convicted by criminal court is not rendered inoperative. In otherwords, the order passed by the Disciplinary authority under rule 19(1) of the CCS (CCA) Rule will not be affected by appellate court's order suspending the sentence.

4. In view of the foregoing this OA has no merit and is accordingly dismissed summarily.


MEMBER (J)


MEMBER (A)

Dated: 27th August, 1997

Uv/