

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1363 of 1993

Allahabad this the 24th day of May, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon'ble Mr.M.P. Singh, Member (A)

Chhedi Lal, S/o Sri Barsati, resident of Tara-nchat, District Gorakhpur, working as Khalasi under Chief Telecommunication Inspector Construction Microwave, N.E.R., Gorakhpur.

Applicant

By Advocate Shri B. Tiwari

Versus

1. Union of India through General Manager, N.E.R., Gorakhpur.
2. The D.S.T.E./Con./MW/N.E.R., Gorakhpur.

Respondents

By Advocate Shri V.K. Geel

O+R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant-Shri Chhedi Lal has filed this O.A. seeking the relief for direction to the respondents to provide him job for the post of Khalasi.

2. As per applicant's case, while he was working under Chief Telecommunication Inspector, Gorakhpur, he was chargesheeted for criminal offence

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under Section 376/511 I.P.C. and ⁱⁿ the Session Trial, he was convicted and sentenced to undergo 4 years R.I.. Against this order, he has preferred Appeal before the Hon'ble High Court where he has been granted bail and the Appeal is still pending, for orders. After released on bail, he applied for resumption of duties w.e.f. 26.11.1992 but no job has been provided to him and, therefore, he has come up before the Tribunal, seeking above relief on solitary ground that since the services of the applicant have not been terminated, he is entitled to be taken back in the service.

3. The respondents have contested the case and have filed the counter-affidavit, in which it has been mentioned that the applicant was initially engaged as Project Casual Labour under D.S.T.E. Construction Microwave, N.E.Railway, Gorakhpur w.e.f. 19.12.1983 and worked, as such, upto 30.9.92. The applicant was granted the benefit of temporary status w.e.f. 01.3.1984. The applicant absented from duty w.e.f 01.10.92 and after a lapse of 3 months, he represented to his Controlling Officer to allow him duty, stating the fact therein that he was chargesheeted for criminal offence and was also punished for the same, sentencing him to 4 years R.I. The main contention placed on behalf of the respondents is that the service status of the applicant was that of temporary status only and his salary was paid on the basis of days, he actually worked

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and therefore, neither he is entitled to any suspension allowances nor can be provided with any job for having been punished for an offence of moral turpitude.

4. Considered the arguments placed from either side and perused the record.

5. It is not in dispute that the applicant is at present a person who has been convicted for an offence under Section 376/511 I.P.C. and is on bail, which is actually suspension of sentence ~~on~~ appeal.

6. For the above, we find that at present a person convicted for an offence under Section 376/511 I.P.C. and released on bail by the Appellate Court, is not entitled to be taken back in the service. The O.A. is dismissed accordingly. No order as to costs.

MM
Member (A)

Seal
Member (J)

/M.M./