

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 12th day of March, 2001

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Mr. S. Dayal, Member- A.

Orginal Application No. 989 of 1999

Bal Mukund S/o Sri Hari Shankar Pandey  
R/o Vill. Babarpur. P.O. Babatpur Airodrome, Varansi.  
Employed in the office of Tax Recovery Officer,  
Department of Income Tax, Varanasi as L.D.C.

.....Applicant

Counsel for the applicant :- Sri V.K. Srivastava

V E R S U S

1. Union of India through the Secretary, Department of finance, Govt. of India, New Delhi.
2. Joint Commissioner Income Tax & I.A (N.Z)  
New Delhi.
3. Dy. Commissioner of Income Tax, Varanasi Range,  
Varanasi.
4. Additional Commissioner of Income Tax, Varanasi  
Range, Varanasi.

.....Respondents.

Counsel for the respondents:- Sri A. Mohiley

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application, applicant has prayed for quashing of the charge-sheet dt. 21.02.79 on which



basis disciplinary proceeding has been initiated against the applicant. In support of his submission, learned counsel for the applicant has submitted that as the applicant has been acquitted in criminal case vide judgement dt. 04.01.91 passed in Criminal Appeal No. 38/1988 by learned II Addl. Session Judge, Mirzapur, the present disciplinary proceeding should not be allowed to be continued against the applicant. We have considered the submission of learned counsel for the applicant. Hon'ble Supreme Court in the case of U.O.I & orthers Vs. Bihari Lal Sidhana J.T., 1997 (4) SC 541 clearly held that the acquittal does not automatically give right to the employee to be re-instated. The competent authority could invoke its power under Rule 5 (1) and terminate the service. In the aforesaid case of Bihari Lal Sidhana (Supra) case of embezzlement is involved. The present case also is <sup>of</sup> ~~regarding~~ embezzlement of Government money.

2. In the circumstances we do not find any ~~tribunal~~ justification to interfere by this ~~court~~ at this stage. The O.A is accordingly dismissed.

3. There will be no order as to costs.

  
Member-A.

  
Vice-Chairman.

/Anand/