

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

ALLAHABAD THIS THE 15th DAY OF NOVEMBER 2000.

Original Application no. 1260 of 2000.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Mr. S. Dayal, Administrative Member

Bipin Bihari Lal, S/o Sri Badri Prasad,
R/o Pansari Tola, House no. 22,
Distt. Etawah.

... Applicant

C/A Shri A.P. Srivastava

Versus

1. Union of India through Secretary Government of India, Ministry of Communication, New Delhi.
2. The Director General, Department of Posts, Dak Bhawan, New Delhi.
3. The Chief Post Master General, U.P. Circle, Lucknow.
4. Post Master General, Agra Region, Agra.
5. The Senior Superintendent of Posts Offices. Etawah Division, Etawah.

... Respondents

C/Rs.....



// 2 //

O R D E R (Oral)

Hon. Mr. Justice R.R.K. Trivedi, VC.

By means of this OA the applicant has prayed several reliefs including quashing of order dated 22.12.99 by which the application of the applicant for treating the period of suspension between 18.04.81 to 25.10.90 as on duty, has been rejected.

2. The facts in short giving rise of the OA are that the applicant was serving as Postal Assistant in Etawah Kutchery, Post Office. The disciplinary proceeding were initiated against him and applicant was suspended w.e.f. 18.4.81. The punishing authority on conclusion of disciplinary proceedings passed an order of dismissing him from service. However, the punishment order of dismissal was modified in appeal to compulsory retirement. Consequently the applicant was compulsory retired on 25.10.90. It appears that for some ~~mistake~~ ^{incident of misconduct} the applicant was tried in criminal court for offence under section 467 and 409 of I.P.C. The applicant has been acquitted in the criminal case by order dated 16.2.99 giving him benefit of doubt. On the basis of this judgment, the applicant made an application to respondents for regularising the period of suspension treating it as on duty and prayed for payment of the amount as consequential benefits. This application has been rejected by order dated 22.12.99 (annexure 1).

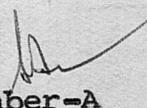


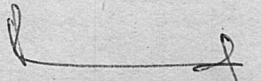
// 3 //

3. We have heard Shri A.K. Jaisawal brief holder of Shri A.P. Srivastava learned counsel for the applicant.

4. We do not find any illegality in the order. The legal position of law settled is that for ~~some~~ mistake the Government employee may be tried in the criminal court, if it amounts to criminal charge and may also be subjected to disciplinary proceedings for the mistake under the rules. In the present case, it appears that both the proceedings were started simultaneously. However, the disciplinary proceeding concluded earlier and applicant was awarded punishment of compulsory retirement which got effect on 25.10.90, it was not challenged. The order of the appellate authority was not challenged further, it was allowed to become final. In criminal case, which was registered as criminal case no. 1330 of 1993, and was decided in the criminal court on 16.2.99 and the applicant has been acquitted when, he made aforesaid application.

5. In our opinion the finality attached to the order passed in disciplinary proceedings cannot be affected by the order of the criminal court. In the circumstances the applicant is not entitled to any relief. The OA has no merit and is accordingly rejected in limine. No order as to costs.


Member-A


Vice-Chairman

/pc/