

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. 384/93  
T.A. No.

DATE OF DECISION 23-9-93

Umar Mohmad Malek Petitioner

Shri D.M. Bharati Advocate for the Petitioner(s)

**Versus**

Union of India and Others Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

**CORAM :**

The Hon'ble Mr. N.B. Patel

Vice Chairman.

The Hon'ble Mr. V. Radhakrishnan

Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

Umar Mohmad Malek  
Dr. J.M. Patel  
Kamal Palace, Nagar Chakla  
Jamnagar.

Applicant.

Advocate Mr. D.M. Bharati

Versus

1. Union of India  
(To be served through  
Director of Post Offices,  
Gujarat Circle, Near Sabar Hotel  
Khanpur, Ahmedabad.

Respondent

Advocate Mr. Akil Kureshi

### ORAL JUDGEMENT

In

O.A. 384 of 1993

Date 23-9-93

Per Hon'ble Shri N.B. Patel Vice Chairman.

This application by which the <sup>applicant, who is a</sup> dismissed employee, prays for a direction to the respondent to grant him ~~the~~ retiral benefits is thoroughly mis-conceived. ~~The~~ dismissed employee has no right to get either salary or retiral benefits on the punishment of dismissal being awarded to him. The decision of the Supreme Court in the case of Hussaini Vs. Chief Justice of High Court of Allahabad and Others (AIR 1985 SC 75) does not lend any support to the contention of Mr. Bharati, that ~~the~~ a dismissed employee is entitled to pension. What <sup>the</sup> Supreme Court has done in that case is the conversion of the punishment of dismissal into one of compulsory retirement so that, looking to the facts and circumstances of the case, the employee in that case can get ~~the~~ retiral benefits. There is no question here of converting the punishment of dismissal into a lesser punishment. Application is summarily rejected.

(V. Radhakrishnan)  
Member (A)

(N.B. Patel)  
Vice Chairman.