

'A'

M/s. Ganeswar Rao
P. K. Mahapatra
A. K. Pattnaik
A. Mahapatra
CAT/J/II

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./R.A.No. 489 1991

..... Nanda Kishore Das Applicant(s)

Versus

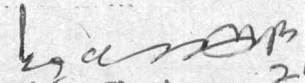
..... Union of India & another Respondent(s)

Sr. No.	Date	Order with Signature
1	24.12.91	<p>I have heard Mr. Ganeswar Rath, learned counsel for the applicant. Shortly stated, the ex facts are as follows. The applicant has been convicted under section 409 of the Indian Penal Code and his appeal is pending before the learned Addl. Sessions Judge, Bhubaneswar. Notice has been issued to the applicant to show cause as to why he should not be dismissed. Mr. Rath prays very hard to stay operation of this order and further submitted that the interest of the applicant would ^{be} very much jeopardised if he is dismissed before disposal of the criminal appeal. I have given my anxious consideration to the arguments advanced xxxx by Mr. Rath. Rule 19 of the Central Civil Services (Classification, Control and Appeal) Rules authorises the disciplinary authority to act in a manner envisaged therein. But on a perusal of Rule 19(2)(ii) in pursuance to the Office memorandum bearing No. F.43/57/64-AVD (III) dated 29.11.1966 and in view of another circular dated 19.9.1975 it has been laid down that as soon as the a Government servant is convicted on criminal charge he may, in appropriate case, be placed under suspension, if not already suspended. These are matters which lie within the discretion of the disciplinary authority. I do not feel</p> <p style="text-align: right;">/s/</p>

Serial
No. of
OrderDate of
Order

Order with Signature

Order No.1 dt. 24.12.91 contd. inclined to issue any directions but I would observe that the disciplinary authority may consider all these aspects and pass orders according to law. Subject to the aforesaid observation, I find no merit in this application which is disposed of accordingly and not admitted. Send a copy of this order to the respondents.


Vice-Chairman

24.12.91