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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT BENCH

Registration O.A. No.56 of 1990.(L)

Vinay Kumar Gupta Applicant

Versus

Union of India & Others..... Respondents

Hon.Mr.Justice K.Nath, V.C.

Hon.Mr. K.Obayya, Member (A)

(By Hon.Mr.Justice K.Nath, V.C.)


Case called. No one is present for the applicant. Dr. Dinesh Chandra has made appearance on behalf of the respondents and says that the applicant was appointed as ADBPM in an entirely provisional capacity in place of A.K. Mishra who was involved in a criminal case for which reason the latter's services had come to an end. He says that A.K. Mishra was acquitted on 12.5.89 by the Criminal Court and in consequence thereof he was allowed to return to his post which he joined on 17.2.90. The learned counsel for the respondents says that his Counter Affidavit is ready but has not yet been signed. He showed an attested copy of the Charge report, which he carried with him, of A.K.Mishra assuming charge on 17.2.90 (FN). We do not think it necessary to wait for the regular Counter Affidavit; we have taken the photo copy of the Charge report on record.

2. The facts of the case as stated in the

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Original Application, contained the admission that the applicant was appointed in the vacancy caused by the cessation of the employment of A.K. Mishra on account of his involvement in a murder case. It is also admitted that A.K. Mishra was acquitted. The only fact to decide ^{is} whether A.K. Mishra has joined the service or not after his acquittal. In view of the attested copy of the Charge report we accept the statement of Dr. Dinesh Chandra that A.K. Mishra has rejoined the post on 17.2.90. There is no question therefore to interfere with the order dated 13.2.90 whereby ^{the applicant's} services were terminated. The petition is dismissed.


Member (A)


Vice Chairman

Dated the 10th December, 1990.

RKM