

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION NO: 466/2003.

this, the 9th day of October 2003.

HON. MR. R.K. UPADHAYAYA, MEMBER(A)

HON. SMT. MEERA CHHIBBER MEMBER(J)

Vindhya Prasad aged about 31 years S/o Sri Ram Lal
R/o Village & Post Office Mangari (Khajurahat) District
Faizabad EDDA Dehariowan (Mazruddinpur) Faizabad.

....Applicant.

(BY ADVOCATE SHRI R.S. GUPTA) -

VERSUS

1. Union of India through Secretary Department of
Post Dak Bhawan, New Delhi.
2. The Senior Superintendent of Post Offices Faizabad.
3. Sub Divisional Inspector (South) Faizabad.

....Respondents.

(BY ADVOCATE SHRI P.K. SINGH)

ORDER (ORAL)

BY SMT. MEERA CHHIBBER MEMBER(J)

By this O.A., the applicant has sought following
reliefs:-

"That this Hon'ble Tribunal may kindly be
pleased to quash the orders dated 13/2/2003
as contained in Annexure No. 1 and direct
the opposite parties to allow applicant to
join duty and work till stay order continues
and with all consequential service benefits."



2. It is submitted by the applicant that he was appointed as EDDA Deheroawam pm P.O. Faizabad on 2.8.1994. Subsequently, on 16.6.99, he was arrested and remained in jail upto 3.1.2000, but after being released, he was given duty on 1.5.2000 up to 15.11.2001. Vide judgement and order dated 16.11.2001, he was convicted and awarded the punishment of life imprisonment as a result of which vide order dated 13.2.2003, he was dismissed from service on the ground having been convicted in criminal case.

3. It is submitted by the applicant that against this conviction and sentence he had filed an appeal before the Hon'ble High Court in Criminal Appeal No. 1110/2001 which has been stayed by the Hon'ble High Court Lucknow. In view of the said order, applicant has already submitted his appeal but the same has not been decided till date. Appeal is annexed at Page 13 of the Original Application. It is submitted by the applicant that appeal was submitted on 2.5.2003 and three months had already expired. Since, no reply was given to the applicant, he had no other option but to file the present Original Application. Counsel for the respondents has submitted that Hon'ble High Court did not stay the conviction but only sentence was stayed.

4. We have heard both the counsel and since statutory appeal is pending we are of the opinion, that this O.A. can be disposed of at the admission stage itself without going into the merits of the case by giving a direction to the Respondent No. 2 to consider the appeal given by the applicant and to pass a detailed and reasoned order thereon within a period of three months from the date of communication of this order under intimation to the applicant.



5. With the above direction, this O.A. is disposed of without any order as to costs.



MEMBER(J)



MEMBER(A)

LUCKNOW: DATED: 9.10.2003.

V.