

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 481/2010

This the 4th August of , 2015

Hon'ble Sri Navneet Kumar, Member (J)
Hon'ble Ms. Jayati Chandra, Member (A)

Vijay Bahadur Tripathi aged about 45 years son of Sri Ram Subhag Tripathi resident of G-267, Bularia Barda, P.S. Kotwali, District- Barabanki.

Applicant

By Advocate:- Sri Surendran P

Versus

1. Union of India through Secretary, Department of Posts, New Delhi.
2. Chief Post Master General, U.P. Circle, U.P., Lucknow.
3. Director of Postal Services, Lucknow Region, Lucknow.
4. Assistant Superintendent of Post Offices, Barabanki Sub Division, Barabanki.

Respondents

By Advocate: Sri Subhash Bisaria.

ORDER (ORAL)

BY HON'BLE SRI NAVNEET KUMAR, MEMBER (J)

The present O.A. is preferred by the applicant u/s 19 of the AT Act, with the following prayer:-

- i) quash the orders dated 13.8.2009 and 24.12.2009 contained in Annexure No. 1 and 2 to this original application and a direction be issued to re-instate the applicant in service as GDS Stamp Vendor.
- ii) issue other direction which this Hon'ble Tribunal deems just and proper.

2. The brief facts of the case are that the applicant while working in the respondents organisation, an FIR was lodged against the applicant. The applicant was convicted by the Court of Chief Judicial Magistrate and subsequently, the appeal so preferred by the applicant was also dismissed. Against the appellate order, the applicant preferred the criminal revision before the Hon'ble High Court and the said revision petition was also admitted and the applicant was released on bail. During the said period, the applicant was placed under suspension and he was also served with a show

cause notice in 2009 itself and the applicant submitted the reply to the said show cause notice and the respondents without considering the request of the applicant, dismissed the applicant from service and the appeal filed against the dismissal order was also rejected by the Appellate Authority. Hence the present O.A. is preferred by the applicant.

3. On behalf of the respondents, reply is filed and through reply, it is indicated that the applicant while working as ED Stamp Vendor, an FIR was lodged under Case Crime No. 149 of 1998 regarding forged payment of cheque issued by Zila Samaj Kalyan Adhikari, Barabanki for Rs. 5000/- and Rs. 75000/- and after the trial, the applicant was found guilty and accordingly, he was convicted for rigorous imprisonment for six years with fine of Rs. 25000/- under Section 409 IPC and imprisonment for four years with fine of Rs. 10,000/- under Section 420 IPC. The applicant preferred the appeal against the conviction and appeal so preferred by the applicant was also dismissed by the Appellate Court and the applicant thereafter, preferred the revision petition before the Hon'ble High Court and the Hon'ble High Court has only released the applicant on bail. As such, on the basis of this, dismissal order was passed. Apart from this, it is also indicated by the learned counsel for respondents that against the order of dismissal, the applicant has also filed appeal which is also dismissed by the Appellate Authority, as such it does not require any interference by this Tribunal.

4. On behalf of the applicant, Rejoinder Reply is filed and through Rejoinder Reply, mostly the averments made in the O.A. are reiterated and contents of the counter reply are denied.

5. On behalf of the respondents, Supple. Counter Reply is filed which is also perused.

6. Heard the learned counsel for parties and perused the records.

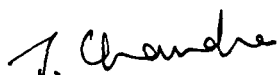
7. The applicant while working with the respondents organization, an FIR was lodged against him and he was convicted u/s 409/420 IPC by the Chief Judicial Magistrate, Barabanki. The applicant submitted the appeal against the said order and the appeal so submitted by the applicant was

also rejected by the Appellate court. The applicant, thereafter submitted a criminal revision before the Hon'ble High Court. After considering the conviction order u/s 409/420 IPC, the applicant was dismissed from service and feeling aggrieved by the said dismissal order, the applicant preferred the departmental appeal to the Appellate Authority and Appellate Authority also dismissed the appeal of the applicant. Feeling aggrieved by the said orders, the applicant preferred the present O.A.

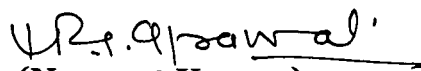
8. As the criminal revision is pending before the Hon'ble High Court, as such we deem it appropriate to observe that the applicant is at liberty to approach the Tribunal again after disposal of criminal revision No. 70/2010 pending before the Hon'ble High Court, Lucknow Bench, Lucknow.

9. Accordingly, the O.A. is disposed of with liberty to the applicant to approach this Tribunal again after disposal of the criminal revision No. 70/2010.

10. With the above observations, O.A. stands disposed of. No order as to costs.



(Jayati Chandra)
Member (A)


(Navneet Kumar)
Member (J)

HLS/-