

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 40 of 1990

Hukum Chand Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C.Srivastava,V.C.

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

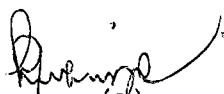
(By Hon'ble Justice U.C.Srivastava,V.C.)

The applicant who was appointed as Extra Departmental Agent on 27.2.1990. He was promoted as orderly/peon in the month of September, 1987 in the office of Superintendent of post office. He was placed under suspension on 23.12.1987 as he was convicted for a period of 10 years under section 376, 504 and 506 by the Session Judge. The applicant was bailed out and the criminal appeal is pending, as ~~such~~ the applicant has been convicted, he was dismissed from service vide order dated 31.5.1988 and after exhausting all the departmental remedies, the applicant has approached the tribunal. The learned counsel for the applicant has contended that as under the rules, the applicants' conviction having been stayed, of course, the respondents should oblige and recall the dismissal order and keep him back in service. There is difference between conviction and sentence. It is only sentence which was stayed and the applicant was bailed out subsequently, as such the respondents were within right to dismiss the applicant from service. Even otherwise, we have also found that the crime which is said to have been committed by him was heinous and as such we do not find any ground to set aside the dismissal order and reinstate the applicant. However, in case, the applicant is exonerated or is acquitted by the High Court. He can even thereafter approach the department for re-instatement. With these observation, the applica

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application stands disposed of finally. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 24.2.1993

(RKA)