

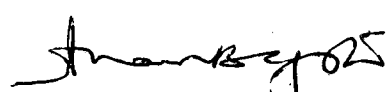
(146)


and the cases pending against ^{Sections} ~~Art.~~ 379 IPC, 498A/120B IPC are involving moral turpitude and unless he is acquitted by the court, he is not fit for the Govt. service. The applicant has stated that it is absolutely wrong. It is totally wrong and false to state that four cases were pending against the applicant. The Supdt. of Police, Sultanpur has given certificate that one false case has been lodged against the applicant and which was found false and final report has been submitted on 26.2.86 and there was no case against the applicant at all. In one case, the applicant has been falsely implicated i.e. under Section 498A and 120B of the I.P.C. and in which he has also been acquitted by an order dated 10.4.91. The said case was started on the basis of a report ~~that~~ ^{that} by one A.D. Chaubey ^{his} sister Vidyawati was being harassed for not bringing sufficient dowry and an attempt was made by some of the family members including ~~by~~ the applicant to kill her but in that they did not succeed and later on after snatching all her belongings they ^{had} ~~had~~ ^{been} ~~been~~ thrown out of the house. Later on second marriage of her husband Harish Chandra appears to take place. From the facts it is obvious that only case which was pending against the applicant, he was acquitted. The applicant was appointed on compassionate ground. He was not asked to give details of any case which was pending against him. After the District Magistrate ^{report} ~~report~~ regarding his character and antecedents he was not ^{not} ~~not~~ called upon to explain or to verify its correctness. The termination order in these circumstances would be arbitrary and violative of natural justice. In these terms, the application

AP

- 3 -

is allowed and the termination order dated 5.3.90 is quashed and the applicant will be reinstated back in service without delay though he may not get salary for the impugned period but he will be deemed to be in continuous service. There will be no orders as to costs.


Member (A)


Vice Chairman

Dated the 3.7 July, 1991.

RKM