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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 423 of 1991 (L)

Pyarey Lal 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 Mr. Justice U.C.Srivastava, V.C.)

The applicant was convicted under section 148 and 302 of I.P.C., read with section 149 of I.P.C. and was sentenced to undergo two years rigorous imprisonment under section 148 I.P.C. and imprisonment of life under section 302, read with section 149 I.P.C. Both of which were to run concurrently. The High Court had stayed the execution of the sentence and the appeal against the same is pending. The applicant who was earlier under suspension was given a show cause notice, as the appointing authority proposed to award penalty of dismissal from services under Rule 19 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 on the ground of the conduct which has led to his conviction on a criminal charge. The applicant submitted an attested photocopy of High Court's order. It was thereafter, appointing authority came to the conclusion that in view of ~~the~~ his conviction and charge against him, he was not fit to be retained in service and that's why he was dismissed from service. This order has been challenged by the applicant.

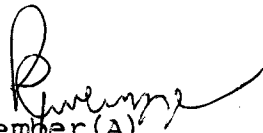
2. The respondents were within their right to pass the said order as the applicant has been convicted in a heinous crime and the rule 19 could have been evoked in this circumstances. In case, the applicant

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ultimately succeeds and ^{is} ~~exonerated~~ obviously, it is for him to move an application for re-instatement, but the order as it has been passed in within jurisdiction in confirmative with law, accordingly, the application is dismissed.


Member (A)


Vice-Chairman

Lucknow Dated: 27.1.1993

(RKA)