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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

T.A. NO. 1531 of 1987.

Lal Babu .....Applicant.

Versus

Union of India & others .....Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

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

The applicant, who was an employee of Railway Administration, was placed under suspension because of criminal case under section 307 IPC, against him. The applicant was convicted. Later on, the suspension order was revoked on 24.11.78 and the applicant was allowed to resume his duties regularly until he was convicted in the trial by the Addl. Sessions Judge. Against the conviction order, the applicant filed an appeal before the High Court which was admitted and the applicant was released on bail vide order dated 2.4.84. Therefore, without an enquiry the applicant was dismissed from service. Against the dismissal order, the applicant has approached the tribunal contending that without holding an enquiry, he could not have been dismissed and the dismissal order is in violation of Article 311 of Constitution of India. There is exception in this behalf that if a person without enquiry is dismissed from service on the basis of conviction, it is always open for the tribunal to examine the adequacy of the penalty including the conviction and the tribunal can also remit the matter for reconsideration or by substitution of one of the penalties provided under Clause (A). In this case, we have looked into

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the penalty and we do not find any good ground to interfere with the same. Accordingly, this application is dismissed with the observation that if the conviction of the applicant is set aside after disposal of the appeal, it will be open for the applicant to approach the competent Court of Law for necessary relief to which he may be entitled to under law. No order as to costs.



MEMBER (A)



VICE CHAIRMAN.

DATED : NOVEMBER 21, 1992

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