

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
CCPA No. 88/07
[In O.A. No. 749/2005]

Date of Order:- 05.05.2008

CORAM

HON'BLE MR. SHANKAR PRASAD, MEMBER[A]
HON'BLE MS. SADHNA SRIVASTAVA, MEMBER[J]

Dr. Kailash Pd. Singh, Applicant.

- By Advocate :- Shri R.K. Chandra.

Union of India & Ors., Respondents.

- By Advocate :- None.

ORDER
[ORAL]

Shankar Prasad, Member(A):-

The present CP has been preferred for non-implementation of order dated 17.11.2006 in OA No. 749/2005. We have heard the learned counsel for the applicant.

2. In response to a query, the learned counsel for the applicant states that the provisional pension has been sanctioned and the same is being paid.

3. We find that the applicant has been convicted under Section 7 and 13 (2) read with 13(1)(d) of the Prevention of Corruption Act by the Special CBI Judge. He is unable to say as to whether the conviction has been stayed in addition to the sentence. It is well settled that even the stay of conviction does not stand in the way of taking recourse action under Rule 19(1) of CCS(CCA) Rules. The decision of the apex Court in Dy. Director, Collegiate Education Vs. S. Nagoor Meerza; AIR 1995 SC 1364 refers. The applicant has also been served with a

notice to show cause as to why the punishment should not be imposed on him in terms of the aforesaid conviction.

4. In view of the above, there is no reason to issue notice in this CP. The CP is disposed of accordingly.



[Sadhna Srivastava]/M[J]



[Shankar Prasad]/M[A]

srk.