

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

APPLICATION No. 261/87(F)

(WP.NO.)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED: 10-6-87

APPLICANT

Vs

RESPONDENTS

Shri S.B. Somasekhara
TO

The Sub Divisional Officer, Telegraphs
Mudigere

1. Shri S.B. Somasekhara
Kalasa Village
Mudigere Taluk
Chikkamagalore District
2. Shri P.V. Kittoor
Advocate
No. 52(3), Nagappa Block
II Cross, Srirampuram
Bangalore - 560 021

3. The Sub Divisional Officer
Telegraphs
Mudigere
Chikkamagalore District
4. Shri M.S. Padmarajaiah
Senior Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 261/87

....

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on

3-6-87

ENCL: As above.

for DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 3RD DAY OF JUNE, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO.261/1987

S.B. Somasekhara
S/o Bora Shetty,
Aged 32 years,
Ex-employee in
P&T Department,
Residing at Kalasa Village,
Mudigere Taluk,
District Chikkamagalore.

.... Applicant

(Shri P.V. Kittoor Advocate)

v.

Sub Divisional Officer,
Telegraphs,
Mudigere,
District: Chickkamagalore.

.... Respondent

(Shri M.S. Padmarajaiah, CGSSC)

This application having come up for hearing
to-day, Vice-Chairman made the following.

O R D E R

In this application made under Section 19 of the
Administrative Tribunals Act of 1985 ('Act'), the
applicant has challenged order No.Q-202/8687/8 dated
12.12.1986 (Annexure-E) of the Sub Divisional Officer,
Telegraphs, Mudigere (SDO) removing him from service
on the basis of a conviction entered by the Judicial
Magistrate First Class, Mudigere (JMFC) for an offence
under Section 354 of the Indian Penal Code affirmed



[Handwritten signature]

in an appeal by the Sessions Judge, Chickmagalur.

2. Aggrieved by the order made by the Learned Sessions Judge, the applicant has filed a Criminal Revision Petition No.13/87 before the High Court of Karnataka which is still pending disposal. But in that case, the High Court had however suspended the sentence. In the meanwhile the District Engineer, Telecom, Chickmagalur (DET) had also initiated proceedings for revising the punishment imposed against the applicant which is also still pending before him. On this basis proceeding pending before the DET, the office has raised an objection on the maintainability of this application. But in the view, we propose to take, we do not consider it necessary to deal with the same.

3. We have perused the office objections and heard Sri P.V. Kittoor learned counsel for the applicant.

4. We have earlier noticed that conviction entered against the applicant for an offence under Section 354 of the IPC still stands. If that is so, then the order of removal cannot be taken exception to by us under the Act. If the applicant succeeds before the High Court or the Supreme Court it is undoubtedly open to him to move the original or other competent authority to re-examine the matter afresh. But till



then also, we cannot undo the order of the SDO.

5. As regards the proceeding pending before the DET, it is open to the applicant to appear before him and urge all the defences available to him on the basis of the orders already made or to be made by the High Court or by the Supreme Court as the case may be. But before that also we do not see any justification to interfere with the notice issued by the DET.

6. With the above observations, we reject this application at the admission stage without notice to the respondents.



Sd/-
Vice-Chairman

Sd/-
Member (A)

- True Copy -

Sr/Mrv.

[Signature]
SECTION OFFICER 176
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE