IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

OA NO. 195/93

Yeshwant Pandurang Bhosale ..Applicant

V/s.

Union of India through the
Secretary, Min. of Finance
Department of Revenue,
North Block New Delhi & another ..Respondents

Coram: Hon.Shri Justice M S Deshpande, V.C.
Hon. Ms. Usha Savara, Member (A)

ORAL JUDGMENT: DATED: 27.8.93
(PER: M S Deshpande, Vice Chairman)

Heard Mr. Ramamurthi, counsel for the applicant and Mr. M I Sethna, counsel for the respondents.

The only ground on which the applicant was not granted employment was that he had suffered a conviction under section 419 read with 114 of the Indian Penal Code and Section 7 of the Maharashtra Prevention of Malpractices at University Board and other specified Act, 1982.

It is apparent from a copy of the judgment in case no. 660/P of 1985 decided on 18th October 1985 by Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Bombay, that the applicant was released under the provisions of Probation of Offenders Act. If there is a release under section 3 or 4 of the Probation of Offenders Act, then the conviction under section 12 of the Act will not operate as a disqualification for any purpose. In the present case, therefore, though the applicant was convicted

in view of his release under the provision of Probation of Offenders Act, it could not have been taken as disqualification. The order refusing employment to the applicant was not correct and that order dated 18.11.1992 (Exhibit A) is quashed. Since an offer was made on behalf of the applicant that he would be willing to give a bond to the respondents of the amount to be prescribed should he be employed, we accept that offer and direct the applicant to furnish a bond for good behaviour for a period of one year for a sum of Rs.500/- (Rupees five hundred only) at the time of joining the employment.

The respondents are directed to employ the applicant within two months on the above condition. With these directions the application is disposed of finally.

(USHA SAVARA)
MEMBER(A)

(M.S.DESHPANDE)
VICE CHAIRMAN

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