

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.477/94

DATE OF ORDER : 24-06-1997.

Between :-

N.Kishan Rao

And

.. Applicant

1. The Director (Administration),
Govt. of India, Central Ground
Water Board, New CGB Complex,
NH IV, Fairadabad, Harayana State,
Pin 121 001.

2. The Executive Engineer, Central Ground
Water Board, Division-IX, 13-6-446,
Gudimalkapur, Hyd-28.

.. Respondents

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Counsel for the Applicant : Shri V.Vijayaranga Raj

Counsel for the Respondents: Shri N.R.Devaraj, Sr.CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S.Jai Parameswar, Member (J)).

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(Order per Hon'ble Shri B.S.Jai Panameshwar, Member (J)).

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None for the applicant. Applicant was also absent when the case was taken up for hearing. Heard Sri NR Devaraj, standing counsel for the respondents.

2. While the applicant was working as UDC-cum-Cashier was involved in 3 criminal cases bearing No.6, 7 and 8 of 1993 on the file of special Judge of CBI cases, City Civil Court Building, Hyderabad on 30-12-93. On 30-12-1993 the said Criminal cases ended in conviction. The applicant was convicted and sentenced to undergo rigorous imprisonment for a period of 1 year and to pay fine of Rs.500/- and in default of payment of fine, to undergo further simple imprisonment for a period of one month.

3. Against the said punishment, the applicant filed 3 appeals in Criminal Appeals Nos. 132, 133 and 134 respectively before the Hon'ble High Court of Andhra Pradesh. The applicant further filed CMPs Nos 329, 309 and 393/1994 in those appeals for suspending the punishment. The Hon'ble High Court has suspended only the sentence and not the conviction awarded by the City Civil Court.

4. Thereafter the Director (Administration) i.e. the Respondent No.1 herein vide impugned order Confidential No.CGWB/1-602/89-Vig. Vol.II-513 dt.24-3-94 dismissed the applicant from service as his conduct led to conviction by a competent court.

5. The applicant has filed this O.A. by challenging the said order of dismissal as illegal, arbitrary and void abinitio and that he is entitled to be continued under deemed suspension till the three criminal appeals are disposed of by the Hon'ble High Court of AP and for other reliefs.

6. The applicant relies upon the decision of the Hon'ble High Court of A.P. reported in 1989 (3) ALT page 213 (Sundera rami Reddy Vs. State through Inspector of Police, A.C.B., Guntur &

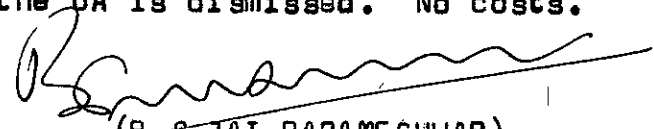
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others).

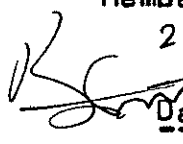
7. But the Hon'ble Supreme Court in the case of Dy. Director of Collegiate Education, of Tamil Nadu, Madras Vs. Nagaraj Meena (AIR 1995 SC page 1364) has held that once an employee is convicted then the Disciplinary Authority may take action on the basis of the conviction even though his appeal against conviction is pending and his sentence is suspended.

8. In the instant case the applicant has produced copies of the orders passed by the Hon'ble High Court of Andhra Pradesh in CMP No.329/94, 309/94 and 393/94. In all these cases the Hon'ble High Court of Andhra Pradesh has suspended only the sentence and not the conviction awarded to the applicant. In that view of the matter, we find no reasons to interfere with the order of dismissal passed by the Director (Administration) vide his order dt.24-3-94. As observed by the Supreme Court in the above cited case in case the applicant succeeds in his appeals, the necessary consequences of re-instatement and fixation of pay will follow.


9. In the result, there are no merits in this OA. Accordingly, the OA is dismissed. No costs.


(B.S. JAI PARAMESHWAR)
Member (J)
24.6.97


(R. RANGARAJAN)
Member (A)


Dated: 24th June, 1997.
Dictated in Open Court.

avl/


D.R (J)

4.4.

Copy to:

1. The Director (Administration), Govt. of India,
Central Ground Water Board, New CGB Complex,
NH IV, Faridabad, Haryana State.
2. The Executive Engineer, Central Ground Water Board, ~~Division~~
Division-IX, 13-6-446, Gudimalkapur, Hyderabad.
3. One copy to Mr. V. Vijayaramaraj, Advocate, CAT, Hyderabad.
4. One copy to Mr. N. R. Devaraj, Sr. CGSC, CAT, Hyderabad.
-- One copy to D. R. (A), CAT, Hyderabad.
6. One duplicate copy.
7. Copy to HBSJ, H(J), CAT, Hyd.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(J)

DATED:

24/6/97

ORDER/JUDGEMENT

M.A./R.A./C.A. NO.

in

C.A. NO. 477/94

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

