

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: AT HYDERABAD

ORIGINAL APPLICATION NO.896/99

DATE OF ORDER : 21.12.1999.

Between:-

K.Arjun Rao

...Applicant

And

1. The Welfare Commissioner,  
Labour Welfare Organization, Kendriya Sadan,  
Sultan Bazar, Hyderabad-500 095.
2. The Senior Medical Officer, Beedi  
Workers Welfare Fund Dispensary, Bheemgal,  
Dist.Nizambad.

...Respondents

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COUNSEL FOR THE APPLICANT: Shri S.Satyam Reddy

COUNSEL FOR THE RESPONDENTS: Shri J.R.Gopal Rao, Addl.CG

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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..2.



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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Sri Satyam Reddy, learned counsel for the applicant and Sri J.R.Gopal Rao, learned Standing Counsel for the Respondents.

2. The applicant was appointed as Sweeper-cum-Chowkidar as per order No.2(2)/A-1/97 dated 13.10.1997 (Annexure R-I to the reply). It is stated that the applicant was dismissed from service by the impugned order dated 22.4.1999 (Annexure.II page-15 to the OA).

3. This OA is filed to call for the records relating to the impugned proceedings No.5(426)/A-1/98 dated 22-4-1999 of the first respondent dismissing the applicant from service and to quash the same as arbitrary and illegal and consequently direct the respondents to continue the applicant as Sweeper-cum-Chowkidar.

4. As seen from the impugned order dated 22.4.1999, the services of the applicant were terminated in excises of powers conferred by Rule-19 (i) of CCS (CCA) Rules, 1965. The said rule reads as follows :-

- (i) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or

There is a proviso to the above Rule-19 (I) which reads as follows :-

Provided that the Government servant may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause

(I):



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Provided further that the Commission shall be consulted, where such consultation is necessary, before any orders are made in any case under this rule.

Those two contentions are to be fulfilled before dismissing the Government Servant under Rule 19 (I). They are (i) the Government Servant was convicted on a criminal charge (ii) and before terminating his services a show cause notice should be issued to get his reply in this connection.

5. The learned counsel for the applicant submits that the applicant was not convicted. He has been taken up in the alleged criminal proceedings. He got anticipatory bail. He was not even arrested. That point also <sup>has</sup> been accepted by the learned Standing Counsel for the respondents as is evident from the reply <sup>stated by</sup> also. The only ground ~~for~~ the respondents <sup>is</sup> ~~that~~ the applicant has not submitted the bail papers to Respondent No.1. If he has not submitted, he could have been asked whether any bail has been granted. But that was not done. Even the respondents know <sup>that</sup> that the applicant has not been arrested and ~~that~~ <sup>the</sup> respondents should have issued show cause notice before dismissing him from service <sup>in case they desire.</sup>

7. In view of the above deficiencies in the impugned order dated 22.4.1999, the same is liable to be set aside. However, the respondents are at liberty to initiate such action as they deem fit in accordance with the rules. Hence the following direction is given :-



The impugned order dated 22.4.1999 is set aside. The applicant should be reinstated into service. Liberty as above is given to the Respondents.

8. The Original Application is ordered accordingly with no order as to costs.

  
(R.RANGARAJAN)

MEMBER (A)

  
(D.H.NASIR)

VICE-CHAIRMAN

DATED: 21<sup>st</sup> December, 99.

Dictated in Open Court.

Avl/

  


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.  
HYDERABAD.

1ST AND 2ND COURT

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4. D.R. (ADMIN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

THE HON'BLE MR. JUSTICE DH. NASIR  
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMIN)

THE HON'BLE MR. B.S. JAI PARAMESHWAR  
MEMBER (JUDL)

\*\*\*\*

DATE OF ORDER

24/12/99

MA/RA/CP/NG.

IN  
CA. NO.

896/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

7 copies

