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CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

Date of order : 21.7.95

O.A.No.315/95

K.S.ARORA

..... APPLICANT

VS.

UNION OF INDIA & ORS. RESPONDENTS

CORAM :

THE HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER

THE HON'BLE MR.RATTAN PRAKASH, JUDICIAL MEMBER

PRESENT

Mr.C.B.Sharma, Counsel for the Applicant.

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PER HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER

In this application under section 19 of the Administrative Tribunals Act, 1985, Shri K.S.Arora has prayed that order dated 22.1.1987 (Annex.A-3) by which the applicant was removed from service by invoking the provisions of Rule 19(i) of the CCS(CCA) Rules be quashed in as much as it has become infructuous after the decision of the Hon'ble High Court in S.B. Criminal Revision Petition and that the respondents may be directed to reinstate the applicant with all consequential benefits.

2. The case of the applicant is that he was removed from service by order Annex.A-3 dated 22.1.1987 under

Rule 19(i) of the CCS (CCA) Rules in view of the fact that he had been convicted on a criminal charge under read Section 120 B/ with Section 420 IPC and 477 (A) IPC on 27.10.1984 by the Upper Chief Judicial Magistrate, Jaipur. Thereafter, the applicant preferred an appeal against the said judgment and the District and Sessions Judge, Jaipur released the applicant after granting benefit of probation under section 4 of the probation of Offenders Act, 1958. Thereafter, the applicant filed a Criminal Revision Petition before the Hon'ble High Court which was decided by the Hon'ble High Court vide judgment dated 23.7.1992. By this judgment the Hon'ble High Court while maintaining the judgment of the Appellate Court directed that the conviction of the applicant in this case shall not affect his service career. The applicant's plea is now/that in view of the judgment of the Hon'ble High Court wherein the High Court has directed that the conviction of the applicant shall not come in the way of his service career, the penalty of removal imposed on the applicant on account of his conviction deserves to be quashed. The applicant after receipt of the above judgment of the High Court preferred an Appeal (Annex.A-2) dated 18.9.1994 against the order of removal from service. This Appeal has still not been disposed of by the Appellate Authority.

3. During the course of arguments the learned counsel for the applicant prayed that the respondents may be directed to dispose of the Appeal of the applicant on merits having regard to the facts and

circumstances of the case. We, therefore, dispose of this application at the admission stage with a direction to respondent no. 2, Chief Post Master General, Rajasthan Circle, Jaipur, who is stated by the counsel applicants to be the Appellate Authority for him, to dispose of the applicant's Appeal (Annex A-2) on merits within a period of two months from the date of receipt of a copy of this order. Let a copy of the Paper Book be sent to the respondent no. 2 alongwith a copy of this order, for necessary action.


(Rattan Prakash)

Judicial Member


(O.P. Sharma)

Administrative Member

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