

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No.2140/2013

New Delhi this the 10th day of August, 2016

**Hon'ble Mr. Justice M. S. Sullar, Member (J)
Hon'ble Mr. V. N. Gaur, Member (A)**

Sh. T. R. Prabhakar,
Age 58 years,
S/o. late Sh. Aroor Chand,
R/o. 46, Virat Nagar,
Model Town, Panipat, Haryana

...Applicant

(By Advocate: Mr. S. K. Gupta)

Versus

Union of India through,

1. Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.

2. Chairman,
Central Board of Excise & Customs,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi.

3. Commissioner
Central Excise Commissionerate,
Delhi-I, C. R. Building,
I.P. Estate, New Delhi-110 002.

4. Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi. ...Respondents

(By Advocate : Mr. R. N. Singh with Mr. K. M. Singh)

O R D E R (O R A L)

Justice M. S. Sullar, Member (J) :

The applicant Shri T. R. Prabhakar, has preferred the instant Original Application (O.A), to challenge the impugned orders dated 20.10.2009 (Annexure A-1) vide which, the penalty of dismissal from service was imposed on him, by the Disciplinary Authority (DA) and

order dated 20.06.2012 (Annexure A-2), whereby, his appeal was dismissed by the Appellate Authority (AA) as well, invoking the provisions of Section 19 of the Administrative Tribunals Act, 1985.

2. The main ground urged by the learned counsel for the applicant, at this stage is that, the impugned dismissal orders passed on the basis of conviction in a criminal case in exercise of power under Rule 19 (1) of Central Civil Services (Classification, Control and Appeal) Rules, 1965, by the DA and AA are illegal, arbitrary and without jurisdiction on the ground that criminal appeal already filed is likely to be decided by the Hon'ble Punjab & Haryana High Court.

3. The respondents have refuted the claim of the applicant, filed their reply stoutly denying all the allegations and grounds contained in the O.A and prayed for its dismissal.

4. At the very outset, learned counsel for applicant has submitted that, this O.A be disposed of at this stage, to enable the applicant to file a fresh O.A after decision of the criminal appeal by the Hon'ble Punjab & Haryana High Court.

5. Learned counsel for the respondents did not raise any serious objection in this regard.

6. In the light of the above, the main O.A is disposed of accordingly, with the aforesaid liberty, as prayed for.

(V. N. Gaur)
Member (A)

(Justice M. S. Sullar)
Member (J)
10.08.2016

/Maya/