

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.777/2012

Tuesday, this the 31st day of July, 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

Varinder Pal Singh
s/o Sh.
r/o A-1/240, Paschim Vihar
New Delhi

..Applicant

(Mr. Ram Kanwar, Advocate)

Versus

Union of India
Ministry of Defence
Through its Secretary
South Block, New Delhi

..Respondent

(Mr. Piyush Gaur, Advocate)

O R D E R (ORAL)

Mr. K.N. Shrivastava:

The applicant was working as an Assistant in the Ministry of Defence. He was convicted in a criminal case by the Additional Sessions Judge, NW-03, Rohini, Delhi vide order dated 23.07.2010 (Sessions Case No.112/2008 – **State v. Birender Pal Singh**). The applicant was also subjected to disciplinary proceedings under Rule 16 of CCS (CCA) Rules, 1965. The disciplinary authority, i.e., President of India, vide Annexure-A order dated 08.09.2010, imposed the penalty of “withholding of two increments of pay for two years without cumulative effect” on the applicant. Following the conviction of applicant in the criminal case, the disciplinary

authority, vide Annexure-B order dated 15.12.2011, imposed the penalty of “compulsory retirement” on the applicant. It is stated that the applicant has challenged his conviction in the criminal case before the Hon’ble Delhi High Court in CrI.M. (Bail) No.1044/2010 in CrI. A. No.882/2010, who, vide its order dated 10.01.2011, has refused the prayer of the applicant for suspension of sentence. The operative part of the order reads as under:-

“5. Taking a prima-facie view of the present case and having regard to the aforesaid discussion made in this regard by the trial court and considering the fact that the MLC conducted on the victim established that there were stab injuries on the neck, chest and shoulder of the victim, which were grievous in nature, at present, this Court is not inclined to grant the relief sought in the present application. The application is dismissed.”

2. We have heard learned counsel for applicant today. As on date, the applicant continues to be a convict. The Annexure-B order dated 15.12.2011, retiring the applicant compulsory from service has been passed by the respondent on account of his conviction in the criminal case. Hence, as long as his conviction remains valid, so also the Annexure-B order would remain valid. We do not find any merit in this O.A. It is accordingly dismissed. No costs.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

July 31, 2018
/sunil/