

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

O.A. No.2894/2013

M.A. No.2223/2013

Tuesday, this the 4<sup>th</sup> day of September, 2018

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

Sh. Santokh Dass s/o Sh. Sukhvir

Aged about 50 years

Conductor in DTC

r/o H.No.358/13, Mandawali

Fazal Pur, Delhi – 110 092

..Applicant

(*Nemo*)

Versus

1. The Chairman-cum-MD  
Delhi Transport Corporation  
DTC Hqrs., IP Estate  
New Delhi – 110 002
2. Regional Manager (East)  
Delhi Transport Corporation  
Nang Nagri Depot, New Delhi
3. The Depot Manager – cum – DA  
Hassan Pur Depot  
New Delhi – 110 092

..Respondents

(Mrs. Arati M. Shedha and Ms. Swati, Advocates)

**O R D E R (ORAL)**

**Mr. K.N. Shrivastava:**

The applicant, through the medium of this O.A., has prayed for the following main relief:

"a) The Hon'ble Tribunal may kindly be pleased to quash the order dated 20.07.2013 passed by the respondent dismissing the applicant from service and also quash the order dated 17.09.2012 vide which the appeal of the applicant has been dismissed."

2. Briefly stated, the applicant was appointed as a Retainer Crew Conductor on 20.09.1985 and brought on monthly rates of pay on 30.03.1986. One Narender Tyagi, a contractual driver in East Vinod Nagar Depot, lodged a complaint on 22.08.2007 against the applicant for demanding a bribe of Rs.3000/- from him. Based on this complaint, an FIR was registered on 22.08.2008 against the applicant by CBI (ACB Branch) under Section 120 B of IPC read with Section 7 of Prevention of Corruption Act, 1988. Pursuant to this, the applicant was placed under suspension w.e.f. 23.08.2007 vide letter dated 27.08.2007.

3. *Nemo* for applicant. Arguments of Mrs. Arati M. Shedha, learned counsel for respondents heard. We notice that the rejoinder on behalf of the applicant has already been filed. Accordingly, we proceed to dispose of this O.A. in terms of Rule 15 of CAT (Procedure) Rules, 1987.

4. Mrs. Arati M. Shedha, learned counsel for respondents submits that the applicant has been convicted by the Court of District Judge & Additional Sessions Judge, I/C (East) cum Special Judge (CBI), Karkardooma Courts, Delhi vide judgment dated 04.06.2012 under Sections 7 and 13 (2) read with Section 13 (I) (d) of Prevention of Corruption Act, 1988 and has been awarded sentence of four years rigorous imprisonment with fine of Rs.25000/- for the offence punishable under Section 7 of Prevention of Corruption Act, and in default of payment of fine, the applicant shall further undergo simple imprisonment for six months. He was also awarded sentence of two years rigorous imprisonment

with fine of Rs.25000/- for the offence punishable under Section 13 (2) read with Section 13 (1) (d) of the Prevention of Corruption Act, failing which he shall further undergo simple imprisonment for six months. Due to this conviction, the applicant has been dismissed from service. She further submitted that the applicant has challenged his conviction before the Hon'ble Delhi High Court in Crl. A. No.755/2012 wherein the Hon'ble High Court, vide order dated 09.07.2012, has only suspended the sentence and not the conviction, and hence the dismissal order passed by the disciplinary authority, vide Annexure A-8 dated 20.07.2012, cannot be faulted upon.

5. We find considerable merit in the arguments of learned counsel for respondents. The applicant continues to be a convict as on date. Hence, we are of the opinion that impugned Annexure A-8 dismissal order does not suffer with any infirmity, irregularity and illegality.

6. Accordingly, this O.A. is dismissed. There shall be no order as to costs.

7. With the above order, M.A. No.2223/2013 filed for condonation of delay stands disposed of.

**( S.N. Terdal )**  
**Member (J)**

**( K.N. Shrivastava )**  
**Member (A)**

**September 4, 2018**  
/sunil/