

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

OA No.060/01157/2016

Chandigarh, this the 31st day of August, 2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Sh. Laxmi Chand Pant son of Sh. Tara Dutt, Lab Resident of 02/13 JEF PGI Complex, Sector 12, Chandigarh, age 53 years, Group-C.

....APPLICANT

(Present: Mr. Naresh Chander, Advocate)

VERSUS

Post Graduate Institute of Medical Education and Research Chandigarh through its Director PGIMER, Chandigarh.

....RESPONDENT

(Present: Mr. Vikrant Sharma, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. By means of the present Original Application (OA) filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant assails the impugned order dated 04.10.2016 (Annexure A-5), whereby he has been dismissed from service by invoking Rule 19 (1) of the CCS (CC&A) Rules, 1965.
2. We have heard learned counsels for the parties.
3. It is not in dispute that on his conviction under Section 420, 467, 468, 471 and 120-B of Indian Penal Code, the applicant awarded the sentence of rigorous imprisonment of two years. Based upon his conviction, the respondent has passed impugned order and

dismissed him from service. It is also not disputed by learned counsel for the applicant that the impugned order is on account of conviction only, therefore, there cannot be any violation of principles of natural justice, as a show cause notice was in deep issued to the applicant.

4. Learned counsel for the respondent established on record that before passing the impugned order, the applicant was served with a show cause notice, and then impugned order has been passed, after considering his reply. The fact remains that appeal filed on behalf of the applicant in criminal case is pending in the Hon'ble High Court, and his conviction has not been stayed.

5. Faced with the situation, learned counsel for the applicant submitted that since the appeal is pending against his conviction in criminal case, therefore, he be allowed to withdraw this case with given liberty to agitate the matter, after decision in criminal case.

6. In view of the above, OA is dismissed as withdrawn, with the liberty prayed for.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 31.08.2018.

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