

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**T. A. No. 260/35 OF 2010**  
Cuttack, this the 16<sup>th</sup> day of November, 2017

CORAM  
**HON'BLE MR. S. K. PATTNAIK, MEMBER(J)**  
**HON'BLE DR. M. SARANGI, MEMBER (A)**

.....  
Laxminarayan Das,  
aged about 36 years,  
Son of Rajkishore Das,  
resident of Tulsipur, P.S. Cantonment,  
Dist:- Cuttack.

...Applicant

(By the Advocate-M/s. K. P. Mishra, Ms. S. Mohapatra, T.P. Tripathy)

-VERSUS-

**Union of India Represented through**

1. General Manager, Captive Power Plant, NALCO, At/PO/Dist-Angul.

...Respondents

(By the Advocate- Mr. B.Rath, J.N.Rath, S.K.Jethy, M.K.Panda,  
P.S.Samantra, M.K.SinghDeo, P.R.Sahoo)

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**O R D E R**

**S.K.PATTNAIK, MEMBER (JUDL.):**

The petitioner has filed this application challenging his dismissal order dated 15.07.2000 and further prays to allow him to join his duty.

2. The dismissal order passed by the General Manager on 15.07.2000 (Annexure-A/1) is extracted below:

*"In the CBI Case No. RC 40( S) 90 BBS, the Special Chief Judicial Magistrate, CBI, Bhubaneswar vide*

*order of Judgement dated 20.06.2000 has convicted you u/s 120-B IPC and sentenced to undergo simple imprisonment for one month and to pay fine of Rs. 200/- in default to undergo simple imprisonment for 15 days for offence u/s 468 IPC you are sentenced to undergo simple imprisonment for two months and to pay fine of Rs. 50/- in default to undergo simple imprisonment for one month and for offence u/s 420/511 IPC you are sentenced to undergo simple imprisonment for six months and to pay a fine of Rs. 500/- in default to undergo further simple imprisonment for one month and the sentences are to run concurrently.*

*Since you have been convicted by the court of law for criminal offences involving moral turpitude you are dismissed from the services with immediate effect as per the clause 28(A) of the certified Standing Orders of the Company.*

*Under clause 26 note (2) of the Standing Orders of the Company you are not entitled to any notice or to pay in lieu of notice or any benefit or privileges except those to which you are entitled under any law for the time being in force. You are further required to handover your identity card or any property or tools or safety equipment issued to you if any and you are also required to clear all your outstanding dues payable to the company.”*

3. The applicant challenges such dismissal order on the ground that prior to passing such order there was no show cause and no opportunity was given to the applicant to present his case. Further ground of attack is that petitioner had challenged the order of Additional Chief Judicial Magistrate-cum- Special C.J.M. (CBI)-cum-Assistant Sessions Judge, Bhubaneswar before the Sessions Judge Bhubaneswar and the applicant has been released on bail and also the sentence has been suspended.

4. Respondents contested the case by filing a counter. According to the Respondents the conviction of the petitioner in SPE Case No. 28/1991 still stands and in view of his conviction he cannot be allowed to continue in service during the period of conviction and there is nothing wrong in the dismissal order. Further more, as per their standings orders, no prior notice before passing of dismissal order of conviction is permissible.

5. There is no dispute about the factual aspect that the applicant has been convicted under Section 468/420/511 IPC read with Section 120-B IPC and has been sentenced to undergo imprisonment under different Sections. It is also admitted that the applicant has preferred appeal before Sessions Judge, Khurda vide Criminal Appeal No. 55/2000. Both the Counsels are unable to substantiate before this Bench if the Criminal Appeal is still pending or has been disposed of in the meantime. Coming to the impugned order dated 15.07.2000, it is found that in view of the conviction by a Court of Law involving moral turpitude, the applicant was dismissed from service with immediate effect as per Clause 28(A) of the certified Standing Order of the Company. Clause 28(A) clearly envisages that where a workman has been convicted for a criminal offence involving moral turpitude in a Court of Law, the workman may be removed or dismissed from service without following the procedure laid down in Standing Order 27. So, in such backdrop, regular procedure as envisaged under Rule 27 is not applicable. That apart, as per Clause 26 note (ii) a workman dismissed

from service for major misconduct shall not be entitled to any notice or pay in lieu of notice or any benefit or privilege under these Standing Orders.

6. Since there is nothing wrong in the impugned dismissal order, which has been passed in view of the conviction of the employee in a criminal offence, no interference is called for. Hence ordered.

7. T.A. being devoid of merit is dismissed. No costs.

(M. SARANGI)  
Member (Admn.)

(S.K.PATTNAIK)  
Member (Judl.)

RK