

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT RANCHI

O.A. NO. /51/00765/2019

CORAM

HON'BLE SHRI JAYESH V. BHAIRAVIA, MEMBER (JUDICIAL)
HON'BLE SHRI DINESH SHARMA, MEMBER (ADMINISTRATIVE)

DATE OF ORDER 23.08.2019.

Lakhindra Manjhi age about 32 years son of Jeetan Manjhi, resident of village-Bandhdih, P.O-Jainamore, P.S.-jaridih, District-Bokaro.

.....Applicant

By Advocate : Shri M.K. Mahto

Versus

The Union of India through Chairman cum Managing Director, Bokaro Steel Plant, Office at Bokaro Steel Plant, Sector IV, P.O and P.S.-Sector IV, City-Bokaro Steel City, District-Bokaro & two others.

.....Respondents

By Advocate : Shri Prabhat Kumar

ORDER (ORAL)

Jayesh V. Bhairavia, Member (Judl.) :- In the instant O.A., the applicant aggrieved by the dismissal order dated 29th August 2018 preferred this present O.A. and prayed for quashing and setting aside the said impugned order.

2. It is the case of applicant that he was a permanent employee of H.R.C.F. Department, Bokaro Steel Plant, Bokaro. It is contended that in the year 2016 one FIR vide Harla P.S. Case No. 116/2016 was lodged against the applicant U/S 304, 316, 323 and 341 of IPC. The learned Court of District and Additional Sessions Judge II, Bokaro vide its judgement dated 04.06.2018 in S.T. No. 257/2017 acquitted the applicant for the charges U/S 316, 304 of the IPC for which trial was going on but convicted the applicant U/S 323 IPC for which even charge was not framed and given sentence of four months. It is submitted by the l/c for applicant that the respondent no. 3, without initiating any

departmental proceedings, dismissed the services of applicant vide order dated 21.08.2018 on the ground of conviction U/S 323 IPC. The said order was communicated to applicant on 29.08.2018.

3. The l/c for applicant submits that against the aforesaid order he has preferred an appeal before Hon'ble High Court of Jharkhand at Ranchi which is still pending, it is further submitted that the applicant has not been issued any show cause notice before issuance of impugned dismissal order and therefore the impugned order is bad in law.

4. On the other hand, l/c for respondents Shri Prabhat Kumar, on receipt of copy of O.A appeared and submitted that filing an appeal against the conviction order does not give any right to applicant to claim for retention in service. Since the applicant has been convicted, the respondents have rightly issued the impugned order.

5. Heard the parties and perused the materials on record. We are in agreement that the submission of l/c for respondents that only filing an appeal against the order of conviction will not give any right of retention in service of a convicted employee. No material has been placed on record with respect to suspension or stay of conviction of the applicant.

6. In view of the above fact, the O.A is being devoid of merit; hence dismissed. No costs.

(Dinesh Sharma)
Member (Admn.)

(Jayesh V. Bhairavia)
Member (Judl.)

mks