

THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.45616 of 2016

ORDER: (per SK, J)

Unsuccessful before the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.667 of 2013, the applicant therein is before this Court aggrieved by the order dated 06.11.2013 passed by the Tribunal disposing of the said O.A. as premature.

The petitioner/applicant was removed from service pursuant to his conviction under Sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. Aggrieved thereby, he filed O.A.No.667 of 2013 before the Tribunal. The Tribunal, however, was of the opinion that as long as the conviction stood, the removal of the petitioner/applicant from service could not be held to be irregular.

Though Sri B. Shiva Kumar, learned counsel for the petitioner/applicant, would contend that Rule 19 of the Central Civil Services (Classification, Control and Appeal) Rules vests the disciplinary authority with discretion to pass appropriate orders pending disposal of the Criminal Appeal preferred by his client, he does not dispute the fact that the conviction suffered by

the petitioner/applicant was for an offence involving moral turpitude. We are therefore of the opinion that the exercise of discretion by the disciplinary authority under Rule 19 of the aforestated Rules cannot be categorized as arbitrary or injudicious. We further find that the Tribunal merely opined that the O.A. was premature and granted liberty to the petitioner/applicant to file a fresh O.A. after disposal of the Criminal Appeal preferred by him. In the light of the liberty granted which we reiterate, we find no grounds made out for interference.

The Writ Petition is dismissed subject to the liberty aforestated.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

17th JANUARY, 2017.

SANJAY KUMAR, J

N. BALAYOGI, J

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