

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 21634 of 2018

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 11.04.2016 in O.A.No. 2521 of 2014 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby, the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, has been dismissed.

The learned counsel for the petitioner submits that the petitioner was convicted of the offence punishable under Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988, vide judgment dated 03.11.2010 in C.C.No. 25 of 2006 delivered by the Special Judge for SPE & ACB Cases, Nellore. Challenging the same, the petitioner preferred CrI.A.No. 1385 of 2010, and this Court, while admitting the appeal, suspended the sentence of imprisonment, therefore, the petitioner is entitled to provisional pension till the Criminal Appeal is decided.

The submission of the learned counsel for the petitioner is contrary to Rule 25(i) of APCS (CC&A) Rules, 1991 read with Rule 9(i) of A.P. Revised Pension Rules, 1980. It is not in dispute that the petitioner has been convicted and sentenced to undergo Simple Imprisonment for one year and to pay a

fine of Rs.100/ -. Even though the sentence of imprisonment imposed on the petitioner has been suspended by this Court during pendency of the Criminal Appeal filed by him, it is apparent that conviction remains in force till final adjudication of the appeal. Therefore, we find no ground to interfere with the impugned order of the Tribunal.

Hence, the writ petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

27.06.2018

bcj

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

