

Yogesh Kumar Vs Govt. Of NCT Of Delhi & Others

Court: Central Administrative Tribunal Principal Bench, New Delhi

Date of Decision: Feb. 26, 2021

Acts Referred: Indian Penal Code, 1860 " Section 34, 304B, 406, 498A
 Central Civil Services (Classification, Control And Appeal) Rules, 1965 " Rule 19(1)

Hon'ble Judges: L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench: Division Bench

Advocate: U. Srivastava, Esha Mazumdar

Final Decision: Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant was appointed as Assistant Teacher in the Education Department of the Government of NCT of Delhi. He figured as an accused in a

criminal case registered alleging offences under sections 406/498A/304B/34 of IPC. Through judgment dated 20.03.2018, the learned Additional

Sessions Judge-04, North West District, Rohini Courts, Delhi, convicted the applicant for the said offences and sentenced him to undergo rigorous

imprisonment for seven years and to pay a fine of Rs. 15,000/- for separate offences under Section 406/498A/304B/34. Punishment was also imposed

for the offence under Section 498A/34 IPC. The applicant preferred criminal appeal and in its order dated 04.04.2018, the Hon'ble High Court of

Delhi suspended the sentence and granted bail to the applicant.

2. The respondent issued a show cause notice dated 04.05.2018 requiring the applicant to explain as to why the penalty, provided for under Rule 19 (1)

of the CCS (CCA) Rules, 1965, be not imposed against him in view of the conviction. He submitted an explanation and after taking the same into

account, the Disciplinary Authority passed an order dated 06.06.2018 dismissing the applicant from service by invoking power under Rule 19(1) of the

CCS (CCA) Rules. The same is challenged in this OA.

3. The applicant contends that while granting bail and suspending the sentence, the Hon'ble High Court made certain observations which would

indicate that there is no serious allegation against him. He has also placed reliance upon the judgment of the Hon'ble High Court of Delhi in

4. The respondents filed a detailed counter affidavit. It is stated that once the applicant was convicted for the offences of serious nature, there was no

alternative left for them, except to dismiss him from service.

5. We heard Mr. U. Srivastava, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents.

6. It is not in dispute that the applicant was convicted for the offences, punishable under Sections 406/498A/304B/34. The offences referable to those

sections are very serious in nature. The sentence that was imposed against the applicant was rigorous imprisonment for seven years. Rule 19(1) of the

CCS (CCA) Rules, 1965 provides for imposition of punishment of dismissal, in case an employee is convicted under certain sections for serious

offences. Show cause notice is required to be issued and, accordingly, it was issued to the applicant. The purpose is to examine whether the offence in

respect of which the employee was convicted is serious in nature, or the one which does not warrant dismissal from service. The explanation

submitted by the applicant was taken into account and the impugned order was passed. We are convinced beyond any pale of doubt that the offence

proved against the applicant was very serious in nature. Added to that, the sentence is also of very severe in nature.

7. We do not find any merit in the OA and accordingly, the same is dismissed. It is a different matter that in case the applicant is acquitted in the

appeal, he can approach the respondents with necessary representation, which in turn, must lead to the steps, in accordance with law.

There shall be no order as to costs.