

(2012) 09 RAJ CK 0067
In the Rajasthan High Court
Case No : Civil Writ Petition No. 15926 of 2010

Murari Lal Sharma

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 03-09-2012

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2012) 4 WLN 471

Hon'ble Judges : Narendra Kumar Jain, J; Arun Mishra, J

Bench : Division Bench

Advocate : P.C. Sharma, for the Appellant; S.S. Raghav, for the Respondent

Final Decision : Dismissed

Judgement

Arun Mishra, C.J.—Petitioner has questioned the legality of order dt. 25.03.2009 passed by the Central Administrative Tribunal, Jaipur Bench dismissing Original Application No. 94/2009. Petitioner was convicted in a criminal case under Sec. 138 of the Negotiable Instruments Act; he was compulsorily retired vide order dt. 26.08.2006. Appeal challenging the order of compulsorily retirement was dismissed by the Appellate Authority on 21.02.2007 and revision against the same was also dismissed on 31.05.2008. Criminal appeal was filed before the High Court and his conviction was stayed on 06.01.2009, after departmental proceedings were already over. The petitioner prayed for his reinstatement in view of order dt. 06.01.2009. The Tribunal has dismissed the original application of the petitioner relying upon decision of the Apex Court in Deputy Director of Collegiate Education (Administration), Madras Vs. S. Nagoor Meera, Aggrieved thereby, the instant petition has been preferred. We find that once the petitioner stood convicted and departmental orders were passed by the disciplinary, appellate and revisional authorities, and thereafter, if his conviction has been stayed by the High Court on 06.01.2009 during the pendency of appeal, on that basis, he could not have prayed for reinstatement, until and unless he is acquitted. Subsequent stay of conviction after the Departmental authorities have

decided the matter, was of no avail as has been rightly held by the Tribunal. Thus, no case is made out so as to make interference with the impugned order.

2. Consequently, the writ petition being devoid of merit, is hereby dismissed.