
(2026) 02 CAT CK 1590

In the Central Administrative Tribunal, Allahabad Bench, Allahabad

Case No : Original Application No. 619 Of 2015

Naresh Pal Singh

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 03-02-2026

Acts Referred:

Indian Penal Code, 1860 — Section 120B
Prevention Of Corruption Act, 1988 — Section 7, 13(1)(d), 13(2)
Central Civil Services (Classification, Control And Appeal) Rules, 1965 — Rule 12, 19, 19(i)
Constitution Of India, 1950 — Article 14, 21

Citation : (2026) 02 CAT CK 1590

Hon'ble Judges : Rajnish Kumar Rai, Member J; Manju Pandey, Member A

Bench : Division Bench

Advocate : Kaushlesh Pratap Singh, Devi Shankar Shukla

Final Decision : Dismissed

Judgement

Rajnish Kumar Rai, Member (J)

1. Shri S.K. Singh as brief holder of Shri Kaushlesh Pratap Singh, counsel for the applicant and Shri Devi Shankar Shukla, counsel for the respondents are present and heard.

2. By way of the instant O.A. the applicant has challenged the order dated 17.04.2015 passed by the Director (Staff), Government of India, Ministry of Communications & IT, Department of Telecommunications, Sanchar Bhavan, 20 Ashoka Road, New Delhi. The applicant has prayed for the following relief(s): -

“(A). To issue order or direction to quash the impugned order dated 17.04.2015 passed by the respondent No. 2 i.e. Director (Staff), Government of India, Ministry of Communications & IT, Department of Telecommunications, Sanchar Bhavan, 20 Ashoka Road, New Delhi.

(B). To issue any order or direction, which this Hon'ble Tribunal may deem fit and

proper under the circumstances of the case.

(C). To award cost to the applicant.”

3. Briefly stated, the applicant was appointed as Telecom Office Assistant on 19.12.1983 and promoted as Senior Telecom Office Assistant in 1995, having an unblemished service record. He was allegedly victimised by an Inspector of CBI after refusing to give false evidence against another person, leading to a fabricated complaint and his false implication in a criminal case, despite documentary evidence showing that the alleged allotment order had already been dispatched prior to the complaint. The criminal conviction, based solely on the complaint and a doubtful recovery from a co-accused, is under challenge before the Hon’ble High Court, which has stayed execution of sentence. In parallel service proceedings, a show-cause notice issued in 2005 was stayed by the Tribunal, later withdrawn, and prolonged litigation ensued up to the Hon’ble Supreme Court, which maintained status quo and directed expeditious disposal. Ultimately, the writ petition was disposed of and the OA was treated as infructuous, however, thereafter, the applicant’s services were dismissed by order dated 17.04.2015 without initiating any disciplinary proceedings, issuing any notice, or granting an opportunity of hearing, rendering the impugned dismissal order illegal and arbitrary.

4. The applicant challenged the aforesaid impugned order dated 17.04.2015 on the ground that the same has been passed without issuing any show cause notice/granting any opportunity of hearing to applicant. The impugned order has been passed in violation of proviso to Rule 19 (i) of CCS (CCA) Rules, which is mandatory in nature. Further ground is that the impugned order has been passed in contravention to para-116 of Posts and Telegraph Manual Volume III. The order impugned in the present O.A. has been passed in breach of Article 14 of the Constitution of India which forbids discrimination between same set of persons. One of the grounds is also that the impugned order is grossly disproportionate in the facts and circumstances of the case as the impugned order amounts to economic death of entire family of applicant, as such, it is hit by Article 21 of the Constitution of India. It is further submitted by the applicant’s counsel that the Hon’ble High Court has ordered for suspension of sentence yet the conviction still remains intact. The applicant in support of his contention and grounds has relied upon on various pronouncements of this Tribunal, Hon’ble High Court as well as of Hon’ble Apex Court.

5. The counter reply has been filed by the respondents. The respondents have submitted that the applicant has approached this Tribunal against the order of punishment without availing the available remedy of appeal hence, the O.A. is premature. The respondents have also submitted that the applicant has not made the BSNL as respondents though he has mentioned certain cause of actions against the same. It is submitted by the respondents that the applicant has been convicted in corruption case under Section 120B of IPC read with Section 7, 13(2), 13(1) (d) of Prevention of Corruption Act by following judicial

adjudicatory conducted by Court of law (Special Judge, CBI, Anti Corruption, Ghaziabad), and awarded a punishment of one year rigorous imprisonment along with fine of one thousand rupees vide order dated 22-7-2003. However, the show cause notice dated 29-9-2005 was issued by the BSNL erroneously by considering him as BSNL employee, which was challenged by applicant before this Hon'ble Tribunal. However, during the pendency of original application, the show cause notice was withdrawn by BSNL. Since the applicant was not acquitted of the charges of corruption and pendency of appeal or stay on execution of sentence do not debar the Department to dismiss the employee from service on account of conduct which led to his conviction in corruption case, he has been dismissed from service by the competent Disciplinary Authority in pursuance of Rule 19(i) of CCS (CCA) Rules, 1965. It is further submitted that the Government servant who has been convicted in Corruption case, cannot be retained in Government service as his further retention is against the public interest. The retention of convict in Government service undermines the name of Government Organization amongst public. The principle has already been settled by the Hon'ble Supreme Court of India in long catena of decisions that conviction on the charge of corruption has to be viewed seriously and unless the conviction is annulled, an employer cannot be compelled to take an employee back in service. The respondents have prayed for dismissal of the O.A.

5. Counsel for the applicant has filed the rejoinder affidavit reiterating the facts, already stated in the O.A.

6. Heard the learned counsel for the parties and perused the pleadings available on record. Counsel for the applicant and counsel for the respondents have filed the Written Arguments.

7. After perusal of pleadings, it appears that the applicant has challenged the impugned order dated 17.04.2015 passed by respondent No. 2 on the ground that the same has been passed without giving any show cause notice or opportunity of hearing to the applicant. Counsel for the applicant has submitted that the impugned order is in violation of proviso to Rule 19 (i) of CCS (CCA) Rules as well as in contravention of para-116 of Posts and Telegraph Manual, Volume III. The applicant's counsel further submitted that the impugned order is hit by article 14 and 21 of the Constitution of India. On the other hand, counsel for the respondents submitted that the O.A. is premature as the applicant has not availed the remedy of appeal before approaching this Tribunal. The applicant has not made the B.S.N.L. as party. It is submitted by the respondents' counsel that the applicant was convicted in corruption case U/s 120 B of I.P.C. read with Section 7, 13 (2), 13 (1) (d) of Prevention of Corruption Act and awarded a punishment of one year rigorous imprisonment as well as fine of one thousand rupees vide order dated 22.07.2003. Taking in view the aforesaid punishment, the respondents have dismissed the applicant from service in pursuance of Rule 19 (i) of CCS (CCA) Rules, 1965 as his retention was against the public interest. In support of the impugned order, the respondents have relied upon the various

pronouncements of the Hon'ble Supreme Court.

8. It appears that the applicant working as Sr. TOA (G) Under GMTD, Aligarh BSNL was convicted on 22.07.2003 on Criminal charge Under 120(B) I.P.C., Under Section 7 of prevention of Corruption Act, 1988 and under Section 13 (2) of P.C. Act, 1988 by the Hon'ble Court of Special Judge Anti Corruption, U.P. (East), Ghaziabad on the allegation of demand and acceptance of bribe of Rs. 1000/- as illegal gratification for issuing sanction/allotment of STD/PCO and awarded a sentence of six months and fine of Rs. 500/- six months and fine of Rs. 500/- and one year and fine of Rs.1000/- respectively. The Hon'ble High Court stayed the execution of sentences & realization of fine on 01.08.2003 in Criminal Appeal No. 3528/2003. The relevant portion of Order dated 01.08.2003 is quoted herein below: -

"Appellant Naresh Pal Singh convicted under sections 120B IPC 13(2) 13(1) (d), 7 P.C. Act., 389 Cr. P.C. in Sessions Trial No.8 of 2002, P.S. C.B.I Dehradun, District Aligarh shall be released on bail on his furnishing a personal bond of Rs.30,000/- with two sureties each in the like amount to the satisfaction of Court concerned.

The execution of sentences and realization of fine shall also remain stayed during the pendency of his appeal, before this Hon'ble Court."

However, the Disciplinary Authority exercising its power conferred under Rule 12 of CCS (CCA) Rules, 1965 has passed the order of dismissal from service under Rule 19 of CCS (CCA) Rules, 1965 after giving a show cause notice to the applicant on 23.09.2005. For reaching a just decision in the instant matter, we have to first examine the impugned order. Hence, the relevant portion of the impugned order is quoted below: -

"And WHEREAS after going through the facts and circumstances of the case, the material on record, the Judgement of Criminal Court, the gravity of misconduct I am of considered view that the conduct of Sri Naresh Pal Singh TOA (G), which led to his conviction is blameworthy and punishable and his retention in service would not be in larger public interest.

Now, therefore, in exercise of power conferred by Rule 12 of the Central Civil Services (Classification, Control and Appeal Rules). 1965 the undersigned hereby dismisses the said Sri Naresh Pal Singh with immediate effect by imposing a penalty of dismissal from service which shall ordinarily be a disqualification for future employment Under Government as specified in Rule 11 (ix) of the Central Civil Service (Classification, Control and appeal Rules), 1965."

It is apparent that the Disciplinary Authority exercising its power conferred under Rule 12 of CCS (CCA) Rules, 1965 has passed the order of dismissal from service under Rule 19 of CCS (CCA) Rules, 1965 after giving a show cause notice to the applicant on 23.09.2005. The relevant part of Rule 19 of CCS (CCA) Rules, 1965 is quoted below: -

“19. Special procedure in certain cases

Notwithstanding anything contained in Rule 14 to Rule 18

(1) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or

(ii) where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or

(iii) where the President is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules.

the Disciplinary Authority may consider the circumstances of the case and make such orders thereon as it deems fit:

Provided that the Government servant may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under Clause”

9. After various litigations up to the Hon’ble Supreme Court and withdrawal of impugned show cause notice dated 23.09.2005, by the B.S.N.L. authority on 20.04.2012, the O.A. No. 1413/2006 was dismissed as having become infructuous. After the Tribunal dismissed the O.A. No. 1413/2005, the respondents have passed the impugned order dated 17.04.2015. The only controversy in this O.A. is that whether applicant should be allowed to be reinstated after the stay of execution of sentence. As we have observed that conviction was not stayed and the execution of sentence was stayed by the Hon’ble High Court by it’s order dated 01.08.2003 in Criminal Appeal No. 3528/2003, the conviction order dated 22.07.2003 has not been quashed, as per submissions of Counsel for the parties. Therefore, we are in opinion that stay of conviction amounts to avoid disqualification of holding office, while stay of execution of sentence only pause the punishment, while conviction and legal stigma remained the same. Therefore, in our opinion, order passed under Rule 19 (i) of CCS (CCA) Rules, 1965 has been passed after issuing show cause notice and detailed deliberation has been made in the impugned order. Therefore, no interference is required in the impugned order.

10. Accordingly, the Original Application stands dismissed. No order as to costs. All the pending Misc. Applications shall be deemed to have been disposed of.