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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA NO. 229/2003 IN
OA NO. 1948/2001

This the 19th day of January, 2004

HON'BLE SH. V.K. MAJOTRA, VICE CHAIRMAN (A)
HON'BLE SH. SHANKER RAJU, MEMBER (J)

Jhumman Lal

(By Advocate: Sh. K.R. Sachdeva)

Versus

Union of India

(By Advocate: Sh. V.K. Sharma)

O R D E R (ORAL)

By Sh. V.K. Majotra, Vice Chairman (A)

This RA has been filed on behalf of the respondents seeking review of order dated 12.11.2001 passed in OA-1948/2001. The OA was disposed of by that order with the following observations:-

"Having regard to the decision of the apex court in the case of Capt. M.Paul Anthony vs. Bharat Gold Mines Ltd. & Anr. JT 1999 (2) SC 456, wherein it has been held that it would be unfair and unjust to allow the findings of enquiry proceedings to stand, when it is found that the same set of facts and evidence is alleged against the delinquent official in a criminal case, we dispose of the present OA by directing the respondents to keep the departmental enquiry in abeyance during the pendency of the criminal case instituted against the applicant in FIR No.719/1999 u/s 452/406/323/34 IPC before the court of Metropolitan Magistrate. However, as has been held in the case of State of Rajasthan vs. B.K. Meena & Ors. 1996 (6) SCC 417, if the trial is unduly prolonged and delayed or the delay is attributable to the applicant, respondents are at liberty to take appropriate proceedings for review of our orders. The OA is disposed of as aforesaid. No costs."

2. Respondents have now stated that the trial has been unduly prolonged/delayed with long adjournments since the year 2000. The last date had been fixed as 13.1.2004 by the Court of

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Metropolitan Magistrate. Counsel for respondents stated that warrants have been issued to the witnesses of prosecution by the Metropolitan Magistrate's court for 31.5.2004. Counsel for applicant has relied on the case of State of Rajasthan vs. B.K. Meena (supra) stating that whether the trial is unduly prolonged and delayed or the delay is attributable to the applicant, respondents should be at liberty to take appropriate proceedings for review of the Court orders.

3. On the other hand, learned counsel of the applicants in the OA has stated that delay in the Court of Metropolitan Magistrate is not attributable to the applicant. Irrespective of the fact whether the delay is attributable to the applicant or not, the ratio of the case of B.K. Meena (supra) is applicable to the present case.

4. As such this RA is disposed of with the directions that in case the criminal case is not decided by 30.7.2004, respondents shall be at liberty to resume the conduct of the departmental enquiry against the applicant.

S. Raju

(SHANKER RAJU)
Member (J)

V.K. Majotra

(V.K. MAJOTRA) 19.1.04
Vice Chairman (A)

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