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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1948/2001

New Delhi, this 12th day of November, 2001

Hon'ble Shri M.P. Singh, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Jhaman Lal
Flat No.16, Sector 6
P&T Qrs. R.K.Puram, New Delhi .. Applicant

(By Shri V.K. Sharma, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Telecommunication
Dak Bhavan, New Delhi
2. Director Postal Services
Haryana Circle, Ambala
3. Superintendent
RMS D Division, Asaf Ali Road
New Delhi
4. Head Record Officer
RMS, Asaf Ali Road, New Delhi
5. R.P.S. Ghial, Inquiry Officer
Office Supervisor
RMS D Dn., New Delhi .. Respondents

(By Shri K.R. Sachdeva, Advocate)

ORDER(oral)

By Shri Shanker Raju

Heard the learned counsel for the parties. The prayer of the applicant is to stay the departmental enquiry during the pendency of the criminal case instituted against him on the same set of allegations involving same witnesses and documents. It is not disputed by the learned counsel of respondents that the charges levelled against the applicant in the departmental enquiry are identical to what have been alleged against him in the criminal trial.

2. Having regard to the decision of the apex court in the case of Capt. M.Paul Anthony V. 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.

S. Raju

(Shanker Raju)
Member(J)

M.P. Singh

(M.P. Singh)
Member(A)

/gtv/