

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(a)

Original Application No. 2300 of 1994

Date of decision : This the 3rd day of August, 1999.

HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

HON'BLE SRI N.SAHU, ADMINISTRATIVE MEMBER.

Shri T.K.Ghosh,
Son of Shri D.P.Ghosh,
Resident of 61N, CGH Complex,

CBI Colony,
Vasant Vihar,
New Delhi

...Applicant

By Advocate : None

-versus-

1. Union of India,
Ministry of Home Affairs,
Government of India
North Block, New Delhi
(Through its Secretary)
2. The Dy. Inspector General of Police,
Central Bureau of Investigation,
CGO Complex, New Delhi.
3. THe Director,
Central Bureau of Investigation,
CGO Complex, Lodi Estate,
New Delhi

...Respondents.

O R D E R (ORAL)

N. SAHU, MEMBER(A).

The applicant claims a direction from this Tribunal to restrain the respondents from proceeding with the disciplinary enquiry in respect of charge No. I mentioned in the Articles of charge dated 7.12.1993 and seeks direction not to proceed with the same till the conclusion of the Criminal Trial. The applicant has been chargesheeted in the Court of Special Judge, Delhi under Section 7, ^{read with} Section 13(1) (d) of the P.C. Act 1988 for demanding and accepting illegal gratification from

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one Shri Baldev Raj Dasoar, Accounts Officer, MTNL for showing favour to him in the criminal case pending against him. The other point made by the applicant related to adverse remarks recorded in the Annual Confidential Report for 1991. In the ACR the entry was with regard to demand and acceptance of Rs.5000/-. An appeal /representation was duly submitted by the applicant against the adverse CR. The appeal was considered by the competent authority and the same was rejected. As regards the charge No.II it is stated that the applicant failed to report to the competent authority within one month regarding 11 monetary transactions in banks exceeding Rs.5000.

Today at the time of hearing none is present either for the applicant or for the respondents even after the 2nd call. We, therefore dispose of this OA after going through the pleading on records.

We/_{are satisfied} that there is no infirmity in the disciplinary proceedings against the applicant.

The charge was merely harassment of one Baldev Raj Dasoar, Accounts Officer of MTNL which was the charge No.1 but there is an additional charge that he has violated conduct rules. We have gone through the pleadings on record and we find no case made out by the applicant as to how proceedings in the criminal case would adversely affect the disciplinary proceedings or vice versa. We do not see that charge No.II has any relation with the criminal case. Law is well settled in this regard that the

respondents are fully competent to initiate proceedings under the CCS(CCA) Rules even during the pendency of the criminal proceedings. We find that even charge No.1 is on a different ground of harassment while the criminal trial related to alleged acceptance of illegal gratification. We therefore do not see any merit in this OA. Accordingly the OA is dismissed.

Niranjan Sahu
(N. SAHU)
MEMBER (A)

D.N. Baruah
(D.N. BARUAH)
VICE CHAIRMAN

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