

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1620 of 1988 Date of Decision: 24.5.93.

A.K.Jain.....Applicant.

Versus

Union of India & othersRespondents.

CORAM:

Hon'ble Mr.Justice S.K.Dhaon,Vice Chairman.

Hon'ble Mr.S.R.Adige,Member(A)

For the applicant: Shri V.P.Sharma,Counsel.

For the respondents: Shri R.L.Dhawan,Counsel.

JUDGMENT(ORAL)

(By Hon'ble Mr.Justice S.K.Dhaon,Vice-Chairman)

The applicant was working as a Head Booking Clerk at Rewari on 3.1.86. It is alleged that he deliberately mis-delivered certain articles to one Karam Chand instead of real consignee. A FIR was lodged alleging therein that the petitioner has committed an offence under secs.406/468 IPC. We are informed that a criminal trial of the petitioner is going on in the competent criminal court.

2. In 1988, disciplinary proceedings were initiated against the petitioner on substantially same charges as in the criminal case. Since then, under the interim order of this tribunal the disciplinary proceedings have remained stayed. Shri Dhawan-learned counsel for the respondents states that so many years have passed and so far the criminal court has not been able to give a decision. Be that as it may, this appears to be a case where the petitioner may be prejudiced in his defence in the criminal case if he is compelled to disclose his defence in the departmental proceedings. Since the matter has already remained stayed for the last so many years, this is an additional ground for taking the view that the disciplinary proceeding should remain

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stayed till the culmination of the criminal proceedings. We, therefore, direct that the disciplinary proceedings shall remain in abeyance till the competent criminal court gives its decision. If the petitioner is convicted in the criminal case, that may be the end of the matter. If however, he is acquitted, it will be open to the department to proceed with the disciplinary proceedings.

3. With these directions, this application is disposed of finally but without any order as to costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN (J)

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