



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No.2040/2020
M.A. No. 2617/2020**

This the 04th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

RavindraNathPandey,
Aged about 61 years,
Son of ShriHariShankar Pandey,
Rtd. Section Officer (P&A),
In RITES Ltd.,
Resident of House No. 18-D,
Vasudha Apartment, Sector-6,
Vasundhara, Ghaziabad, UP.

... Applicant

(through Mr. H.P. Chakraborty with Mr. P. S. Khare, Advocate)

Versus

1. The RITES Limited,
(Schedule 'A' Enterprise of Government of India),
Thro' its Chairman & Managing Director,
Corporate Office:,
Rites Ltd., Rites Bhawan,
Plot No. 1, Sector -29, Gurugram (Har.),
Registered Office:
RITES Ltd., Scope Minar,
Laxmi Nagar, Delhi – 110092.

2. The Additional General Manager, (Expotech),
& Disciplinary Authority,
Corporate Office, RITES Ltd., RITES Bhawan,
Plot No. 1, Sector-29, Gurugram (Har.)

... Respondents

(through Mr. Krishan Kant Sharma and Mr. Vardhman
Kaushik, Advocate)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

The applicant was working as Section Officer (Training Cell)/P&A in the RITES Limited, the 1st respondent herein. A charge memo was issued to him on 06.02.2020 alleging that he has collected lakhs of rupees from private persons posing as an officer in the Ministry of Railways and promising that he would arrange for employment of those persons. Other allegation was that he visited Hyderabad, Vishakhapatnam and Bhubaneswar between 2013 and 2015, without getting Headquarters leave permission. The applicant attained the age of superannuation on 31.08.2020. Well in advance, the respondents passed an order dated 04.08.2020, directing that pending disciplinary proceedings would continue even after his superannuation. This OA is filed challenging the charge memo dated 06.02.2020 and the order dated 04.08.2020. The principal ground urged on behalf of the applicant is that in the connected criminal case, a crucial witness has deposed that he did not conduct any inquiry and that no finding was recorded against the applicant. On that basis, the applicant wants this Tribunal to quash the charge memo as well as the consequent order dated 04.08.2020.

2. We heard Shri H.P. Chakravorthy, learned counsel for applicant and Shri Vardhman Kaushik, learned counsel for respondents at the stage of admission.

3. The charges against the applicant are very serious in nature. In the first article of charge, the allegation was that he collected lakhs of rupees as a bribe posing as an officer of Railways promising to procure employment. It may be true that a criminal case was registered in that behalf and the trial of the case is in progress. On the basis of a statement said to have been made by one of the witnesses, the applicant wants the charge sheet itself to be set aside. It needs to be mentioned here that even if the applicant were to have been acquitted in the criminal case, the departmental proceedings can be continued. The reason is that, the parameters for adjudication of criminal case are substantially different from those, applicable to disciplinary proceedings. Therefore, the question of quashing the charge memo, on the basis of a statement which is said to have been made by one of the witnesses in the criminal case, does not arise. Once the charge memo is pending, it is natural that the proceedings can be continued even after the retirement of the applicant.



4. We do not find any merit in the OA and the same is accordingly dismissed.

Pending MA No.2617/2020 stands disposed of.

There shall be no orders as to costs.



(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/rk/ankit/sd