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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,
NEW DELHI.

O. A. No. 188/90

New Delhi this 10th of June, 1994.

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

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Yad Ram Sharma,

s/o Shri Har Narain Sharma,
working as Postal Assistant, at S.O. Bhiwadi,
Distt. Alwar (Rajasthan) Applicant.

By Advocate Shri V.P. Sharma.

Versus

1. Union of India, through
the Member (Personnel)
P. & T Board, Dak Tar Bhawan,
New Delhi.
2. The Post Master General,
Rajasthan Circle, Jaipur.
3. The Director Postal Services,
Rajasthan Eastern Region,
Jaipur.
4. The Sr. Supdt. of Post Officers,
Alwar DN. Alwar. Respondents.

By Advocate Shri Vijay Mehta

J U D G M E N T

By Hon'ble Mr. S.R. Adige, Member

In this application, Shri Yad Ram, Postal Assistant, S.O. Bhiwadi, Alwar (Rajasthan) has prayed that the respondents be restrained from conducting an enquiry under Rule 14 of the CCS (CCA) Rules, 1965 because on the same facts and allegations, a criminal case is pending in the Rajasthan High Court.

2. Briefly stated, a cash shortage amounting to Rs. 425949P in the cash balance of Rajgarh Sub-Post Office was detected during the course of a surprise visit made to that Post Office

on 20.9.74 where the applicant was working. The applicant made good the shortage of Rs.1600/- at 12 hours of that day and the rest of the shortage amounting to Rs.2659-49P at 18 hours of the same date.

3. A criminal case was instituted against the applicant under section 409 IPC and he was convicted by the Munsif-Magistrate, Rajgarh and was awarded 6 months' RI along with Rs.200/- as fine by the judgment dated 13.10.84. In the appeal, however, the ^{Addl.} Sessions Judge, Alwar, acquitted the applicant by judgment dated 25.6.86/ (Annexure-A/5). A revision petition had been filed by the State in the Rajasthan High Court against the appellate order of acquittal which is pending adjudication. Meanwhile, consequent to the applicant's conviction by the Munsif Magistrate, Rajgarh, he was compulsorily retired vide order dated 24.5.85 (Annexure-A/3), but was re-instated in the light of the judgment of the Addl. Sessions Judge, Alwar, on 9.10.86 (Annexure-A2). The applicant has now been proceeded against departmentally on the charge that he ~~applicant~~ has failed to maintain absolute integrity and devotion to duties as required under Rule 3(1)(i) and (ii) of the CCS (Conduct) Rules, 1964.

4. We have heard Shri V.P.Sharma, learned counsel for the applicant and Shri Vijay Mehta, learned counsel for the respondents.

5. A perusal of the judgments of the Munsif-Magistrate, Rajgarh and Addl. Sessions Judge, Alwar, copies of which have been placed on record, leaves no doubt that the charges in the criminal case,

in which the applicant stands acquitted by the Addl. Sessions Judge, Alwar, and the departmental proceedings are based on the same facts. Till such time as the decision of the Addl. Sessions Judge, Alwar is over-turned or modified by the Rajasthan High Court, that judgment must be taken to hold the field and according to that judgment, the applicant stands acquitted.

6. That being the position, it is just and proper if the respondents do not proceed with the departmental enquiry till the disposal of the revision-petition pending before the Hon'ble High Court, (Rajasthan).

7. In the result, this application succeeds, and the respondents are directed not to proceed with the departmental proceeding against the applicant, till the disposal of the revision petition in the criminal case which is pending before the Hon'ble High Court, (Rajasthan). Further action in the departmental proceedings should be taken only after the revision petition is disposed of, and in the light of the orders passed therein. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

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

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