

(A)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. 2469/91

Date of decision: 28.4.92

N.Shankar

.. Applicant.

Versus

Union of India .. Respondents .

Sh.M.L.Ohri .. Counsel for the applicant.

None for the respondents.

CORAM:

The Hon'ble Sh. Justice Ram Pal Singh, Vice Chairman(J).

The Hon'ble Sh.K.J.Raman, Member(A).

J U D G E M E N T (oral)

(Delivered by Hon'ble Sh.Justice Ram Pal Singh, V.C.(J)).

None is present on behalf of the respondents,
is
though the case taken up at 11.00 A.M. Pleadings in
this case are complete.

2. Short facts are that the applicant was working
as Inspector, in the Foreign Post Office, New Delhi
on the relevant date. It is alleged that the applicant
in company of another, committed an offence punishable
under Section 419, 420, 461 and 471 of the Indian Penal
Code read with Section 5 of the Import and Export Act.
The Central Bureau of Investigation registered two
F.I.Rs. against the applicant and after investigation
the chargesheet has been filed against the applicant
in the court of Chief Metropolitan Magistrate, New
Delhi.

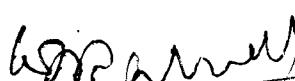
3. On 27.9.91 the Collector (Customs) of the Customs
of Central Excise Collectorate, New Delhi served a
chargesheet against the applicant for initiating discipli-
nary proceedings against the applicant under Rule 14
of the C.C.S. (Classification Control & Appeal) Rules,

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1965. The contention of the applicant in this O.A. is that simultaneous departmental enquiry should not be permitted to proceed till the criminal prosecution is concluded. The law on this point has been well settled in the case of **Kameshwar Dubey Versus Bharat Cooking Coal Ltd.** (A.I.R. 1988 S.C. 2118). The same principle was earlier laid down in the **Delhi Cloth & General Mills Lts. Versus Kushal Bhan** (A.I.R. 1960 S.C. 806) and **Tata Oil Mills Company Ltd. Versus Workmen** (A.I.R. 1965 S.C. 155). In brief the view taken by the Apex Court was, while there could be no legal bar in simultaneous proceedings if taken, yet there may be cases where it would be proper to differ disciplinary proceedings awaiting disposal of the criminal case. A consistent view has also been taken by this Tribunal following the principles laid down by the Apex Court.

4. We are, therefore, placing reliance upon the above noted cases and allow this O.A. and direct the respondents to stay the departmental proceedings against the applicant till the conclusion of the criminal trial pending against him in the Court of Chief Metropolitan Magistrate, New Delhi. The O.A. is disposed of accordingly, with no order as to costs.


(K.J. RAMAN)

MEMBER(A)


(RAM PAL SINGH)

VICE CHAIRMAN(J)