

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 25 of 2001

Allahabad this the 10th day of May, 2001

Hon'ble Mr.S. Dayal, Member (A)
Hon'ble Mr.S.K.I. Naqvi, Member (J)

Sunder Singh Rajput, Son of Sri Bhupan Singh,
Senior Travelling Ticket Examiner(Sr.T.T.E.)
Northern Railway, Dehradun.

Applicant

By Advocate Shri Suneet Kumar

Versus

1. Union of India through its Secretary, Ministry of Railway, Govt.of India, New Delhi.
2. Divisional Railway Manager, Northern Railway, Moradabad.
3. Divisional Commercial Manager, Northern Railway, Moradabad.
4. Sri S.P. Sethi, Enquiry Officer (H.Q.)
Room No.402, 4th Floor, DRM's Office,
New Delhi.

Respondents

By Advocate Shri A.K. Gaur.

O_R_D_E_R (Oral)

By Hon'ble Mr.S. Dayal, Member (A)

This application has been filed for
a direction to the respondents not to proceed
with the departmental proceedings initiated

against the applicant vide memorandum of charge-sheet dated 14.7.2000 pending decision in the criminal case no.RC-19(A) 99-DAD, dated 16.11.99 pending in the Court of Addl.Chief Judicial Magistrate, Dehradun. The claim of the applicant is that the criminal proceedings as well as departmental proceedings are based on common facts without any variance and both are based on same set of facts.

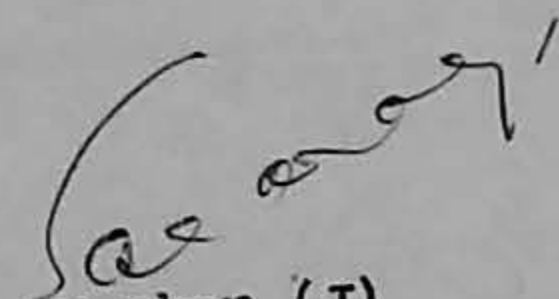
2. We have heard Shri Suneet Kumar, counsel for the applicant and Km.Renu Singh brief holder to Shri A.K. Gaur, counsel for the respondents.

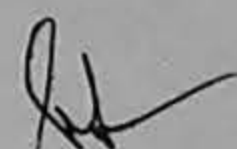
3. We find that the facts, documents and witnesses listed in the departmental proceedings as well as in the charge-sheet filed by the C.B.I. are common. The departmental proceedings if held earlier, will compel the applicant to reveal his defence and are likely to affect the proceedings in the criminal case against him.

4. Learned counsel for the applicant has cited a case of Capt.M.Paul Anthony Vs.Bharat Gold Mines 1999(2) A.W.C.1579 S.C., in which it has been held ~~thereby~~ by the Hon'ble Supreme Court that when both proceedings are based on same set of facts and evidence in both are common without any variance, the departmental proceedings should be stayed. We, therefore, allow the relief claimed by the applicant in the O.A. and direct the ...pg.3/-

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respondents not to proceed with departmental proceedings initiated against the applicant vide memorandum dated 14.7.2000 till the criminal case pending in the Court of Addl. Chief Judicial Magistrate, Dehradun is decided. The O.A. stands disposed of in limine. No cost.


Member (J)


Member (A)

|M.M.|