

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD.

ORIGINAL APPLICATION NO. 134 OF 2004.

ALLAHABAD THIS THE 24th DAY OF SEPTEMBER 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Administrative Member.

Bhim Chandra son of Balveer Singh presently posted as Points Man (A) in Central Railway, Mathura junction, Mathura.....Applicant.

(By Advocate : Sri Onkar Nath)

Versus.

1. Union of India through the General Manager North Central Railway Jhansi.
2. Divisional Railway Manager, Operating and Movement Branch Jhansi North Central Railway, Jhansi.
3. Station Manager, North Central Railway, Mathura Junction, Mathura.
4. Enquiry Officer Sri Mohan Lal Meena, Transporation Inspector Mathura Junction (NCR) Mathura.

.....Respondents.

(By Advocate : Sri D.C. Saxena)

ORDER

(By Hon'ble Mr. Justice S.R. Singh,V.C)

Heard Sri Onkar Nath learned counsel for the applicant and Sri A.N. Ambasta holding brief of Sri D.C. Saxena learned counsel for the respondents.

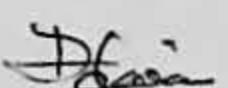
2. By means of this Original application, the applicant has prayed for quashing the charge sheet dated 31.10.2002 and has also prayed for quashing the impugned order dated 18.01.2004 whereupon he was called upon to give the name of a defence helper.
3. Having heard counsel for the parties, we are of the view that no good grounds is made out for quashing the disciplinary proceedings. Learned counsel for the applicant submits that in

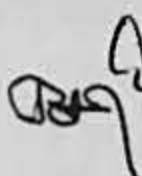
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respect of same conduct criminal proceeding was pending and, therefore, disciplinary proceeding cannot be permitted to go on simultaneously. Learned counsel for the applicant has placed reliance on the decision of Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd 1999 SCC (L&S) 810.

4. Learned counsel for the respondent, on the other hand, submits that there is no absolute bar and both proceedings may go on simultaneously in view of the fact that there is no legal compulsion with the Disciplinary proceedings. Learned counsel for the respondents has placed reliance on decision of S. Muthiyan Vs. Union of India & Ors. (1995) 30 A.T.C. 691.
5. Having heard counsel for the parties and upon regard being had to the facts and circumstances of the case, we are of the view that no good ground is made out for quashing the chargesheet. In the case of Capt. M. Paul Anthony (Supra), Hon'ble Supreme Court has made certain exception where the disciplinary proceeding and criminal proceeding may not be permitted to go on simultaneously. If so advised, the applicant may file an application before the Disciplinary Authority for staying the proceeding and Disciplinary Authority shall be at liberty to take appropriate decision in the matter after taking into account the decisions cited above. So far as the relief regarding quashing the charge memo is concerned, we have observed that no good ground is made out for quashing the charge memo.
6. Accordingly the O.A. is dismissed subject to above observation. Interim order is vacated.

No Cost.


Member-A


Vice-Chairman

Manish/