

(10)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 30TH day of NOVEMBER 2006.

Original Application No. 68 of 2005.

Hon'ble Justice Khem Kheran, Vice-Chairman
Hon'ble Mr. P.K. Chatterji, Member-A

Abdul Jamil, S/o Hamid Beg,
Enquiry Reservation Clerk,
SIKOHABAD.

.... Applicant

By Adv: Mohd. Ayub

V E R S U S

1. Union of India, through the General Manager,
North Central Railway,
ALLAHABAD.
2. The Divisional Railway Manager,
North Central Railway,
ALLAHABAD.
3. Divisional Commercial Manager,
North Central Railway,
ALLAHABAD.
4. Sri M.M. Dubey (Vigilance Inspectory),
Railway Board,
NEW DELHI.

.... Respondents

By Adv: Sri Z. Moonis

O R D E R

Hon'ble Mr. Justice Khem Karan, VC

The applicant has prayed that no further action should be taken on charge sheet dated 30.09.2002 issued by the Divisional Commercial Manager, North Central Railway, Allahabad until the finalization of criminal case pending against the applicant in the Court of Judge Anticorruption, Varanasi.

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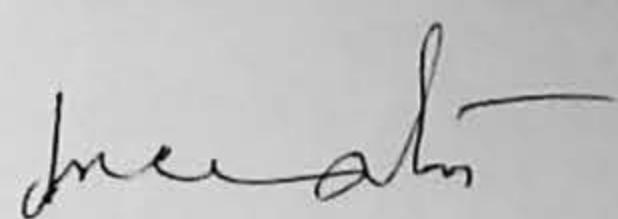
(11)

2. The ~~same~~^{sum} and the substance of the case of the applicant is ~~on~~^{that} identical facts or allegations, the criminal case Under Section 352 of the IPC, Under Section 7/13 of Prevention of Corruption Act and Under Section 145 of Railway Act, PS GRP, Fatehpur is pending in the Court of Judge Anticorruption, Varanasi and on the same allegation the applicant is being subjected to formal disciplinary proceeding. He says that the two proceedings, one in the criminal Court and the other under the disciplinary rules cannot go simultaneously and the disciplinary proceedings deserves to be stayed.

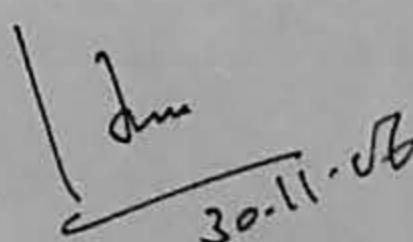
3. Sri Z. Moonis, learned counsel for the respondents, has contended on the basis of Hindustan Petroleum Corporation Ltd. & Ors. Vs. Sarvesh Berry reported in 2005 (1) Supreme 388 that on such ground departmental proceedings cannot be stayed or should not be stayed.

4. Prima-facie there appears to be no good ground for admitting this OA for hearing. So the OA is dismissed as not admitted. No cost.

5. Copy of this order be given to the learned counsel for the parities if possible by tomorrow.



Member (A)



Vice-Chairman