



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**OA No. 2927/2017**

**This the 12<sup>th</sup> day of May, 2021**

(Through Video Conferencing)

**Hon'ble Mr.Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Tarun Shridhar, Member (A)**

Suresh Chandra (Aged 56 years)  
 S/o Sh. Raja Raja  
 R/o Flat No. 261, MIG Pocket 2  
 Sector 14, Dwarka, New Delhi.  
 Presently working as Dy. Director (ST)  
 Directorate of Sugar & Vegetable Oils  
 Department of Food & Public Distribution  
 Ministry of Consumer Affairs  
 Food & Public Distribution  
 Govt. of India, Krishi Bhawan  
 New Delhi-110001.  
 Mobile No-9868523993, Group A.  
 Applicant

...

(By Advocate: Mr. L.K. Singh)

**Versus**

1. Union of India  
 Ministry of Consumer Affairs  
 Food & Public Distribution  
 Department of Food & Public Distribution  
 Through its Secretary  
 Krishi Bhawan, New Delhi-110001.
  
2. Union of India  
 Ministry of Consumer Affairs  
 Food & Public Distribution  
 Department of Food & Public Distribution  
 Through its Joint Secretary  
 Krishi Bhawan, New Delhi-110001. .... Respondents

(By Advocate : Mr. Hanu Bhaskar)



## ORDER (ORAL)

**Justice L. Narasimha Reddy, Chairman :**

The applicant is working as Deputy Director in the Ministry of Consumer Affairs, Department of Food & Public Distribution, Government of India. FIR was registered against him on 30.08.2003, alleging that he issued fraudulent certificates to various persons enabling them to take part in the selection for the posts in the Armed Forces. He was arrested on 02.10.2003, and was placed under suspension on 10.10.2003. In the criminal case, charge sheet was filed on 27.10.2003 and sanction for his prosecution was accorded on 05.01.2004. The applicant was released on bail on 28.01.2004. The Criminal Court framed charges on 14.02.2005. Taking these developments into account, the department reinstated the applicant, vide order dated 18.02.2005. The Disciplinary Authority (DA) of the applicant issued a charge memo on 01.08.2017. He filed this OA with a prayer to stay the disciplinary proceedings till the conclusion of the criminal case.

2. The applicant contends that in case he is required to divulge his defence and take part in the disciplinary proceedings, it would prejudice his defence in the criminal case. It is also stated that the same witnesses are cited in the criminal case as well as the disciplinary proceedings.

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3. Today we heard Sh. L.K. Singh, learned counsel for the applicant, and Sh. Hanu Bhaskar, learned counsel for the respondents.

4. This issue in this OA is very limited. The applicant is facing prosecution before the Criminal Court ever since 2003. Charges are framed and the trial is also said to be in progress. Simultaneously, the department initiated disciplinary proceedings in the year 2017. The question is as to whether the respondents can be permitted to proceed with the disciplinary proceedings. What pinches the applicant is that the same persons are cited as witnesses before the Criminal Court. This, naturally would prejudice the interest of the applicant in case the proceedings in the departmental matter take place earlier. In such an event, the defence comes to be disclosed even while the criminal case is pending.

5. However, one significant aspect in this case is that the witnesses have already been examined in the criminal case. Examining them in the disciplinary proceedings, at this stage, would not lead to any detriment to the applicant. The charge memo, as such, is not challenged in this OA, and even the text of the charge is such that it is not a replica of the charge in the criminal case.



6. We, therefore, dispose of the OA leaving it open to the respondents to proceed with the disciplinary inquiry by examining such of the witnesses, who have already been examined in the criminal case. In case, the applicant has not submitted his explanation to the charge memo, he shall be entitled to do so within a period of three weeks' from today. If the proceedings are not concluded by the time the applicant attains the age of superannuation, the same shall be treated as those under Rule 9 of the CCS (Pension) Rules, 1972. There shall be no order as to costs.

**(Tarun Shridhar)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/vb/ns/dsn