

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA



OA. 351/780/2021

Date of Order: 05.05.2021

Present :Hon'ble Ms. Bidisha Banerjee, Judicial Member

Shri D. Gogoi, IFS, Aged about 59 years,  
S/o late Tankeswar Gogoi, Government Saw  
Mill Campus, Chattam, Port Blair, presently  
working as Chief Conservator Of Forests(D  
&U), Vanya Pranni Bhawan, Chatham, Port  
Blair, Andaman & Nicobar Islands-744101

.....Applicant

- Versus -

1. The Union of India, Under the Secretary to  
the Government of India, Ministry of  
Environment and Climate change,  
Vigilance Division, Room No.402, Agni Wing,  
Level IV, Indira Pariyavaran Bhavan, Jobagh  
Road, Aligunj, New Delhi-110 003;
2. The Andaman & Nicobar Administration,  
Through the Chief Secretary, Andaman &  
Nicobar Administration, Secretariat, Port Blair-  
744101;
3. The Chief Secretary, A&N Administration,  
Secretariat, Port Blair-744101;
4. The Principal Chief Conservator of Forests,  
Andaman & Nicobar Islands, Vansadan, Port  
Blair-744 102, Andaman District

.....Respondents.

For the Applicant : Mr. P.C. Das, Counsel  
Ms. T. Maity, Counsel

For the Respondents : Mr. P. K. Das, Counsel



O R D E R ( Oral)

Per Ms.Bidisha Banerjee, JM:

Heard both.

2. This application has been filed to seek the following reliefs:

- a) An order/orders/direction/directions staying the disciplinary proceedings initiated by the respondent authorities vide Memorandum dated 15.12.2020 issued by the disciplinary authority till the disposal of the criminal case;
- b) An order/orders/direction/directions directing the respondent authorities to act in accordance with law;
- c) An order to issue directing the respondents to produce the records of the case before this Hon'ble Tribunal so that consonable justice may be done;
- d) Costs and incidentals of the application may be awarded to the applicant;
- e) Such other or further order direction or directions, as your lordships deem fit and proper in the interest of justice.

3. At hearing, it transpired that the applicant has prayed for stay of the departmental proceedings pending criminal trial so that the evidence is not disclosed before the authorities. It is learnt that the representation preferred by the applicant is yet to be disposed of by the authorities but they have decided to proceed with the departmental proceedings. Therefore, in all fairness the original application is disposed of with a direction upon the Disciplinary Authority to consider the prayer of the applicant for stay of proceedings in the light of the decisions cited in the application including that of M/S StanzenToyotetsu India P. Ltd. vs. Girish V &Ors. as well as KusheshwarDubey vs. Bharat Cooking Coal Ltd. &Ors. reported in 1988(4) SCC 319 and to pass a reasoned and speaking order on the same, within a period of 2 months from the date of receipt of a copy of this order.

4. Till disposal of the representation seeking stay of proceedings it would be fair if the inquiry is not proceeded with against the applicant.

5. With these directions, the OA is disposed of. No costs.

6. Ld. Counsel for respondents to communicate the gist of the order to the authorities for compliance and communication.

(Bidisha Banerjee)  
Member (J)

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