

(Open Cou

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 23rd day of January, 2002.

Q U O R U M :- Hon'ble Mr. C.S. Chadha, Member

original Application No. 1465 of 2000.

Chet Ram Sagar S/o Late Chhote Lal
L.D.C in the office of the Sub Regional Prov:
Fund Commissioner, Abdullah Building, Bareil
Haldwani, Distt. Nainital.

.....Applicant

Counsel for the applicant :- sri L.N. Shakhwa

V E R S U S

1. Regional Provident Fund Commissioner,
Kanpur.
2. Central Commissioner, Central Employees Provide
Fund Organisation, Bhikaji Complex, New Delhi.

.....Respondents

Counsel for the respondents :- Sri N.P. Singh

O R D E R (oral)

(By Hon'ble Mr. C.S. Chadha, Member- A.)

This O.A has been filed under section 1
Administrative Tribunals Act, 1985.

2. The case of the applicant is that he
was L.D.C in the office of Sub-Regional
and he was charge-sheeted and at the

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case was filed against him in the court of Judicial Magistrate . The Judicial Magistrate found him not guilty vide his order dated 12.11.1997 in which the charge under section 239 of I.P.C was held to be not proved. Learned counsel for the applicant is of the

Govt view that looking to the ~~acquittal~~ by the criminal court there is nothing against the applicant what-so-ever.

Learned counsel for the respondents has pointed out that the Judicial Magistrate has not barred the departmental proceedings by his order. A perusal of the charge-sheet shows ~~that~~ apart from the criminal case, there are other charges of mis-conduct which are not the subject matter of the criminal case. Therefore, exoneration in the criminal case does not preclude the punishment for the charges proved other than charges under section 239 of I.P.C. In fact, looking to the circumstances of the case, all the charges ~~were~~ not being grave, ^{the} appellate authority reduced the earlier punishment passed by the disciplinary authority on 22.07.1999. I am of the view that the exoneration in the criminal case does not preclude the departmental proceedings and punishing authority. I find no reason to interfere with the impugned order. The O.A is accordingly dismissed.

3. There will be no order as to costs.

B. Lawrence
Member A.

/Anand/