

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.1407 of 2003.

Allahabad this the 24th day of September 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, A.M.

Udai Pratap Singh
aged about 37 years
son of late Shri Vindeshwari Singh
Resident of Siddhashwar Nagar Colony,
Near I.T.I. Jhansi.

.....Applicant.

(By Advocate : Sri R.K. Nigam)

Versus.

1. Union of India
through Secretary,
Ministry of Agriculture,
Government of India, New Delhi.
2. Secretary, Indian Council for Agricultural
Research, Krishi Bhawan, New Delhi.
3. Director, National Research Centre for
Agroforestry, Gwalior Road, Jhansi.

.....Respondents.

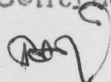
(By Advocate : Sri B.B. Sirohi)

O_R_D_E_R

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

Heard Sri R.K. Nigam learned counsel for the
applicant and Sri B.B. Sirohi learned counsel for the
respondents.

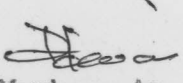
2. The impugned ~~order~~ herein is the charge memo
No.1-1(53)-Discp./UPS/2003 dated 30.09.2003 under Rule
14 of CCS (CCA) Rules. According to the imputations of
misconduct alleged against the applicant, ~~that~~ on the
residential house of the applicant is being raided by
the C.B.I. team on 13.03.2003, the applicant was caught
accepting/taking a bribe of Rs.5000/- from Shri
Abhishek Mishra, Contractor and consequently he was

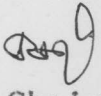


arrested and detained in custody/Jail for the period exceeding 48 hours. The applicant was placed under deemed suspension which order was subsequently revoked. However, only the argument advanced by the learned counsel for the applicant is that the Departmental proceedings cannot be permitted to go on simultaneously with the criminal proceedings launched by C.B.I. there is no absolute bar. In ^{the} case of Capt. M Paul Anthony Vs. Bharat Gold Mines Ltd, and another, 1999 Supreme Court Cases (L&S) 810, Hon'ble Supreme Court has held that the departmental proceedings and criminal proceedings cannot go on simultaneously except in certain circumstances pointed out therein. If the case of the applicant is covered under exception clause it would ^{be} open to the applicant to make an application before the Disciplinary Authority for staying the Departmental proceedings pending finalization of the criminal proceedings. We find no good ground for quashing the charge memo.

3. The O.A. is accordingly dismissed subject to above observation.

No costs.


Member-A.


Vice-Chairman.

Manish/-