

(u) CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

~~XXXXXX~~

O.A. No. 327 of 1989.
~~Exxxdix.~~

DATE OF DECISION 18.09.1989

Shri G.M. Bhatt

Petitioner

Shri D.M. Thakkar

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri J.D. Ajmera

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. M. Joshi Judicial Member

The Hon'ble Mr. M. M. Singh Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

Shri G.M. Bhatt,
Chandramauli,
8, Jayraj Plot,
Rajkot.

.. Petitioner

(Advocate-Mr. D.M. Thakkar)

Versus

1. Union of India,
Through,
Post Master General,
Nr. Income Tax Circle,
Ashram Road,
Ahmedabad.

2. Senior Superintendent
of Post Offices,
Rajkot Division,
Rajkot.

3. The Enquiry Officer
& Dy. Supdt. of Post Offices,
Rajkot Division,
Rajkot.

.. Respondents.

(Advocate - Mr. J.D. Ajmera)

CORAM : Hon'ble Mr. P.M. Joshi .. Judicial Member

Hon'ble Mr. M.M. Singh .. Administrative Member

O R A L - O R D E R

O.A./327/89

18.09.1989.

Per : Hon'ble Mr. P.M. Joshi .. Judicial Member

In this application, the petitioner Shri G.M. Bhatt who is working as Postal Assistant at Rajkot, has challenged the validity of the departmental proceedings initiated against him in respect of the charges levelled against him under memorandum dated 16th August, 1988 (Annexure A-1). The respondents have opposed the admission of the application vide their counter dated 28.8.1989. It is contended inter alia that the accusation

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made in the charges levelled in the departmental proceedings are quite independent of the accusation levelled against him in the complain lodged before the police for which he is facing the trial before the Criminal Court. It is further submitted that the departmental proceedings are likely to be over in a sitting only and it is not in the interest of justice to stay the departmental proceedings.

2. When the matter came up for admission, we have heard Mr. D.M. Thakkar and Mr. J.S. Yadav for Mr. J.D. Ajmera, the learned counsel for the petitioner and respondents respectively. It is conceded that the 'charge-sheet' has been filed by the police in respect of C.R. No. 138/87 registered against the present petitioner for the offences punishable under sections 467 and 409 of I.P.C. It is alleged that the petitioner - delinquent has committed misappropriation in respect of the Govt. funds to the extent of Rs. 20,000/- The incident is alleged to have taken place on 30.3.1987. It was therefore, contended by the learned counsel for the petitioner that the accusation made against the petitioner in the departmental proceedings are substantially identical and his defence, if called upon, to disclose ^{him.} is likely to prejudice ~~the same.~~ These apprehensions advanced by the petitioner are denied by the respondents. It is stated by Mr. Yadav that the departmental proceedings are likely to be completed very soon. Mr. Thakkar, during the course of his submissions, ~~it is~~ stated that the petitioner has no objection if ~~the department~~ ^{an officer} ~~during the Enquiry~~ records the evidence of the witnesses, who are going to be examined by the department in support of the allegations made against

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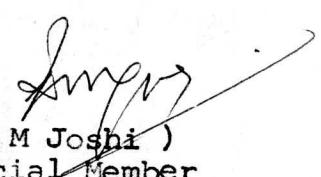
him, but he may not be called upon to step in the witness box and disclose his defence and the Enquiry officer is restrained from finally adjudicating the charges levelled against him. In our opinion, the following directions would meet with the ends of justice. Accordingly, we admit the application and dispose of the application by issuing the following directions:—

3. The application is partly allowed. The respondents are at liberty to proceed with the departmental enquiry by examining the witnesses in support of the charges levelled against the petitioner as contained in memorandum dt. 16th August, 1988 and complete the same without calling upon the petitioner to step in the witness box and disclose his defence. The respondent authorities are, however, restrained from pronouncing ~~as~~ the final out-come of the enquiry proceedings till the result of the criminal proceedings pending before the Criminal Court.

With the aforesaid directions, the application stands disposed of with no order as to costs.

M M Singh

(M M Singh)
Administrative Member


(P M Joshi)
Judicial Member

*Mogera