

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

(7)

NO
Dept.
Inquiry

O.A. No. / 106/89
~~XXXXXX~~

DATE OF DECISION 18.1.1993

Pravinchandra G.Raval Petitioner

Mr.P.H.Pathak Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Mr.Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan
Vice Chairman

The Hon'ble Mr. R.C.Bhatt
Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

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Pravinchandra G.Raval,
Near Chhaya plot post office,
Porbandar.

.....applicant

(Advocate : Mr.P.H.Pathak)

versus

1. The Union of India.
Notice to be served through,
The Post Master General (Gujarat Circle)
General Post Offices,
Ahmedabad.
 2. The Superintendent of Post Offices,
Porbandar Division,
Porbandar.
 3. Shri V.M.Ganatra,
Inquiry Officer & Assistant Director of Postal
Service,
Rajkot Region,
Rajkot-360 001.
-respondents.
- (Advocate : Mr.Akil Kureshi)

ORAL ORDER

O.A./106/89

Date : 18.1.93

Per : Hon'ble Mr.R.C.Bhatt
Member (J)

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1. This application under section 19 of the Administrative Tribunals Act is filed by the applicant seeking the reliefs as prayed for in para-6 of the application. The learned advocate for the applicant, at the time of hearing has not pressed the reliefs A and C of para -6 of the

of the application but only confined to the relief prayed in para-6-B of the application. Therefore, the only question to be considered by us in this case is, whether the respondents are entitled to continue the department proceedings, when the criminal trial against the applicant is also pending before the Criminal Court ?

2. The applicant has alleged in the application that the department proceeding is initiated by the respondents against him which is on the same ~~xxx~~ set of facts and evidence as in the Criminal trial which is also pending against him. The respondents have filed the detailed reply.

3. The learned advocate for the applicant submitted that when the department proceedings and the criminal proceedings are based on the same set of facts, then the authority concerned should stay the departmental proceedings till the criminal proceedings based on the same set of facts are disposed of by the Criminal Court. The learned advocate for the respondents does not dispute this proposition. We have perused the proceedings and the documents on record and we are satisfied that in the instant case, the criminal action and the disciplinary proceedings against the present applicant are grounded on almost identical facts and therefore it is just and proper to ^{may} ~~state~~ the disciplinary proceedings against the applicant till the criminal trial against him is decided. As observed above, the learned advocate for the applicant has pressed this application for a limited relief of stay of departmental proceedings against the applicant till the criminal trial is decided by the Criminal & Court. Hence, we pass the

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pass the following order.

4.

ORDER

The application is partly allowed. The respondents are directed to stay the disciplinary proceedings against the applicant till the criminal proceeding against the applicant is disposed of by the trial Court. We pass no order as to costs. The other issues ^{raised} ~~taken~~ in this application are kept open for the applicant and he may take separate proceedings , if he so desires. No order as to costs.

R.C. Bhatt

(R.C. Bhatt)

Member (J)

N.V. Krishnan 18/1/93

(N.V. Krishnan)

Vice Chairman

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