

Dept. Engrg

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 173

198 1991

~~P.A. No.~~

DATE OF DECISION 12-7-91

Shri Kantibhai Chhotabhai Patel Petitioner

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

Versus

Union of India & Ors. Respondent

Mr.M.R. Raval Proxy counsel for Advocate for the Respondent(s)
Mr. P.M. Raval.

CORAM :

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

The Hon'ble Mr. R.C. Bhatt : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *No*
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 Kantibhai Chhotabhai Patel,
Patel Estate, Opp. Railway Station,
Thasra -388 250

(Advocate- Mr. P.H. Pathak)
VERSUS

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..Applicant.

1. Union of India
Through
Superintendent of Post Offices
Anand Division
Anand.

2. Asstt. Superintendent of
Post Offices (E)
Anand.

.. Respondents.

(Mr. M.R. Raval proxy counsel for
Mr. P.M. Raval.)

O R A L O R D E R

Date: 12-7-91

O.A.173 of 1991
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Per: Hon'ble Mr. R.C. Bhatt

: Judicial Member

1. It is submitted by learned advocate for the applicant that on the FIR marked ^{Ann.} A/1, the offence is registered on 19-6-90 against applicant and criminal case No. 520/90 is pending before criminal court, Thasra. In mean time, the applicant was served with chargesheet on 24-10-90 Ann. A/2. It is submitted by learned advocate for the applicant that applicant has no objection if respondents proceed with departmental enquiry against him, so far Article -I of statement of charges is concerned but so far Article II of statement of charges is concerned, the incident giving rise to that charge (Article-II) framed against applicant is the same which is being tried against him in criminal court as per Ann. A, the respondents should be restrained from proceeding with inquiry regarding Article II pending the final disposal of the criminal case.

2. We have heard learned advocates and perused the documents on record. We are satisfied that in the instant case, the criminal action and the disciplinary proceeding are grounded upon the same set of facts, so far charge of Article II of Ann. A/2 is concerned. In this view of the matter, this is a fit case in which respondents should be restrained from proceeding further in the

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departmental proceeding against the applicant so far charge of Article II of Ann. A/2 is concerned till the criminal proceeding against applicant with respect to charge Ann. A/1 is finally disposed of and the relief to that extent should be given to the applicant.

3. This order will also result in final disposal of the O.A. as nothing further remains ~~to~~ to be done and learned advocates of the parties also agree to this position.

4. Hence we dispose of the application on merits and pass following order.:

The application is partly allowed . The respondents are restrained from continuing the departmental proceedings against applicant so far as charge of Article II of Ann. A/2 is concerned till the criminal proceeding against applicant with respect to charge Ann. A/ is finally disposed of. Rest of the prayer is rejected. Application disposed of.

R.C. Bhatt

(R.C. Bhatt)
Judicial Member

M.M. Singh

(M.M. Singh)
Administrative Member

*Kaushik