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Central Administrative Tribunal
Cuttack Bench, Cuttack.

Original Application No: 256 of 1991

Date of decision: May 26, 1992.

Jugal Kishore Bisoi

.. Petitioner

- Versus -

Union of India and others

.. Opp. Parties

For the petitioner

: M/s Devanand Misra, Deepak Misra,
R. N. Naik, A. Deo, B. S. Tripathy,
P. Panda, Advocates.

For the Opp. Parties

: Mr. B. N. Mohapatra, A. S. C (Central)

CORAM:

THE HONOURABLE MR. K. P. ACHARYA, VICE CHAIRMAN

A N D

THE HONOURABLE MISS. USHA SAVARA, MEMBER (ADMINISTRATIVE)

11. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters of not? *No*
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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Judgment

K. P. ACHARYA, VICE CHAIRMAN:

In this application under Section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays to quash the order contained in Annexure 4 and to direct the Opposite Parties to stay disciplinary proceeding initiated against the Petitioner till the disposal of the G.R. Case No. 1567 of 1990 pending in the Court of Sub-Divisional Judicial Magistrate, Cuttack.

2. Shortly stated the case of the Petitioner is that, he is working as Telephone Supervisor(0) at Cuttack Trunk Exchange. A First Information Report was lodged at Madhupatana Police Station by one Shri B.P. Mohanty which ultimately forms subject matter of G.R. Case No. 1567 of 1990 pending before the Court of Sub-Divisional Judicial Magistrate, Cuttack. In the said F.I.R., the informant made allegations against the Petitioner that he had obstructed, abused and many other aspect for which, the criminal case under section 342, 323, 506, 353 IPC has been registered. After the F.I.R. was lodged, the Opposite Party No. 3 initiated a disciplinary proceeding against the Petitioner on 26th November, 1990 and delivered a set of charges contained in Annexure -2. Further case of the Petitioner is that the allegations in the FIR being framed on self same grounds as unfolded in the charges forming subject matter of a disciplinary enquiry, in the interest of justice, equity, fair play, the disciplinary enquiry should be stayed till the final disposal of the criminal case.

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3. In their counter, the Opposite Parties maintained that the FIR has been lodged by Shri B.P.Mohanty ~~which is in his~~ individual capacity and since the Petitioner had misconducted himself in the office premises, disciplinary enquiry was initiated by Opposite Party No.3. It is further maintained that in the disciplinary proceedings, different allegations have been made which have no relevance to the charges in the FIR. Hence the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra learned Counsel appearing for the Petitioner and Mr. P.N.Mohapatra learned St. Counsel for the Central Government.

5. In Misc. Application No.10 of 1992, the learned Single Judge had heard the application to stay further progress of the Departmental Enquiry. In the order dated 10th January, 1992, it has been indicated that common charges have been kept in abeyance and Mr. Mohapatra learned St.Counsel submitted that the Hon'ble High Court of Orissa in its judgment passed in OJC No.1731 of 1988 has interpreted the meaning of the word 'DROPPED' which amounts to keeping the matter in abeyance and therefore, no illegality has been committed by the Departmental authorities in ordering that the common charges be kept in abeyance. After giving our careful consideration to the arguments advanced by Mr. Deepak Misra and Mr. P.N.Mohapatra, we would direct that the common charges in the Departmental proceeding may be kept in abeyance and the disciplinary proceeding in respect of ~~rest~~ of the charges may continue and final orders be passed by the disciplinary authority.

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6. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

N. Laxmi

MEMBER (ADMINISTRATIVE)

Laxmi 26.5.92

VICE CHAIRMAN

Central Admn. Tribunal,
Cuttack Bench/K. Mohanty.
May 26, 1992/.

