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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO:84 OF 1994

Date of decision: 2nd March, 1994

G.Musaliah

...

Applicant

Versus

Union of India & Others

...

Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? No.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? No.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

02 MAR 94.

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

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Respondents

For the Applicant

... M/s. Aswini Kumar Misra,  
Sashibhusan Jena,  
Suasanta Kumar Dash,  
Jayadev Sengupta,  
B.Acharya, Advocates

For the Respondents

...

.....

CORAM:

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN.)

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J U D G M E N T

H.RAJENDRA PRASAD,  
MEMBER (ADMN.)

It is mentioned by Mr.Aswini Kumar Misra,

learned counsel appearing for the Petitioner, that Criminal proceedings are in progress against the applicant for the same lapses which form the basis of the departmental proceedings. He mentions that if the departmental enquiry and the criminal proceedings continue <sup>be</sup>parallèly, he would <sup>be</sup>put to unnecessary and avoidable embarassment by way of disclosing his defence prematurely. Vide Annexure-5, the Railway Board had also clarified the situation to the effect that the departmental proceedings can be continued only so long as the court does not take cognizance <sup>of</sup>an offence. In the instant case a cognizance has not only been taken by a Court but Criminal proceedings are said to be in an



advanced stage.

2. Mr. Mishra's prayer for quashing of the departmental proceedings is not agreed to. It is, however, directed that all further action in the departmental proceedings against the applicant be deferred until disposal of the criminal case against the applicant. The applicant shall be at liberty to agitate his grievance, if any, at a later stage. Thus, the Original Application is accordingly disposed of leaving the parties to bear their own costs.

  
MEMBER (ADMINISTRATIVE)

02 MAR 94

Central Administrative Tribunal,  
Cuttack Bench/K. Mohanty /2.3.94.

