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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.206/00660 of 2015
Cuttack this the 3rd day of November, 2015
CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Vijoy Kumar Panda
Aged about 60 years
S/o. late Jagendranath Panda
Ex-Deputy Director General
Armored Vehicle
Headquarter At/PO-Avadi
Chennai-660 054
At present residing at: Plot No.486, K-1
Kalinga Nagar
Near D.A.V. Public School
PO-Ghatikia, PS-Khandagiri
Bhubaneswar
Dist-Khurda-751 003
Odisha

...Applicant

By the Advocate(s)-M/s.B.K.Pattnaik
S.C.Panda
S.S.Parida
K.Mohanty

Union of India represented through

1. The Secretary
Government of India
Department of Defence Production
Ministry of Defence
South Block
New Delhi-110 011
2. Under Secretary to Government of India
D(Vig), Sena Bhawan
Ministry of Defence



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New Delhi-110 011

3. The chairman
Ordnance Factory Board
10A, S.K.Bose Road
Kolkata-700 001
4. The Director
Ordnance Factory Board
Armored Vehicle Headquarters
Avadi
Chennai-600 054
5. Desk Officer
D(Vig)
Department of Defence Production
Ministry of Defence
Sena Bhawan
New Delhi-110 011
6. Sri Philip Bara
Inquiry Authority and
Commissioner for Departmental Inquiry
CVC,
Satarkata Bhawan
GPO Complex
Block-A, INA
New delhi-110 023

...Respondents

By the Advocate(s)-Mr.S.B.Mohanty

ORDER

R.C.MISRA, MEMBER(A):

Heard Mr.B.K.Pattnaik, learned counsel for the applicant and Mr.S.B.Mohanty, learned ACGSC for the respondents on the question of admission.

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2. It is the case of the applicant that while serving as Deputy Director General, Armored Vehicle, Avadi, Chennai, he was arrested in a CBI Case No.RC-1(A)2013/CBI/ACB dated 12.02.2013. Thereafter, he was placed under suspension by the respondent-authorities on 24.4.2014. While the matter stood thus, he was reinstated in service on 18.7.2014. The Investigating Officer submitted the charge sheet against six accused persons including the applicant under Section 120-B read with Section 420 IPC and under Section 13(2) read with 13(1)(d) and Section 7 and 8 of the P.C.Act, 1988 on 22.07.2014. It is the submission of the learned counsel for the applicant that after the charge sheet has been filed, the trial is to commence in the CBI Court. In the meantime, the departmental authorities have issued a charge sheet vide Memorandum No.13024/3/Veg/10FB/2013 dated 01.12.2014 under the CCS(CCA) Rules on the same facts and self-same set of documents and witnesses. On receipt of the Memorandum of Charge, applicant submitted his explanation denying all the charges leveled against him. In the meantime, applicant retired from service on attaining the age of superannuation with effect from 30.6.2015. After his retirement, he was intimated about the appointment of IO and PO in connection with the departmental inquiry into the charges leveled against him. Applicant made a representation on 18.8.2015 requesting the authorities not to proceed with the departmental



inquiry till the conclusion of CBI case on the ground that the proceedings have been started on the self-same charges based on the same documents and witnesses. This representation was not considered and disposed of by the authorities. On 25.8.2015, applicant received a letter dated 18.8.2015 from the I.O. fixing the date of inquiry to 26.8.2015 at New Delhi. On 26.8.2015, applicant submitted a representation to the I.O. to defer the inquiry till a decision is taken on his representation for withholding the departmental inquiry till the conclusion of the trial before the CBI Court, by the Ministry of Defence.

3. On being asked whether the applicant had attended any of the sittings of the inquiry on the date(s) fixed, learned counsel submitted that applicant had not attended any inquiry proceedings before the I.O.

4. On the other hand, Mr.Mohanty submitted that there is no bar under the law for simultaneous proceedings before the Criminal Court as well as in the departmental proceedings. On being asked whether the proceedings initiated under the CCS(CCA) Rules have been converted to proceedings under the CCS(Pension) Rules after the retirement of the applicant, Mr.Mohanty submitted that he will have to obtain instructions in this regard. Mr.Mohanty has also no immediate instructions as to the present fate of the representation



filed by the applicant on 18.8.2015, which has been submitted to the Respo⁵5
through Chairman, Ordnance Factory(res.no.3) through res⁵ in this O.A.

5. I have considered the rival submissions. Prima facie, I am of the opinion that when the applicant has made a detailed representation mentioning therein not to proceed further in the departmental proceedings until the conclusion of the criminal proceedings before the CBI Court, in the first instance, the respondent-authorities have to take a view having regard to the facts of the matter as well as the position of law. Therefore, without going into the merit of the matter, I would direct Respondent Nos. 3 and 5 to dispose of the pending representation of the applicant dated 18.8.2015 and communicate the decision thereon to the applicant through a reasoned and speaking order within a period of sixty days from the date of receipt of this order. It is, however, directed that till the communication of the decision of the authorities on the representation to the applicant, no further proceedings in connection with the departmental proceedings shall be taken up by the respondents authorities.

6. With the observations and direction as aforesaid, the O.A. is disposed of the at the stage of admission itself. No costs.

7. On the prayer made by the learned counsel copy of this order along with paper book of O.A. be sent to respondent nos. 5 and 3 by Speed Post at the cost



of the applicant, for which Mr.Pattnaik undertakes to file the postal requisites by 4.11.2015.

8. Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)

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