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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

O.A. No. 523/95

Date of Order : 19.12.95

Yashpal & Others.

... Applicants.

Vs.

Union of India & Ors.

... Respondents.

Mr. R.S. Sharma, Counsel for the applicants.

CORAM :

Hon'ble Mr. N.K. Verma, Administrative Member.

Hon'ble Mr. Rattan Prakash, Judicial Member.

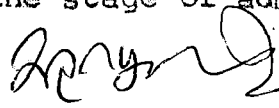
PER HON'BLE MR. N.K. VERMA :

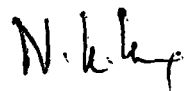
This is an O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, for quashing the memorandum dated 20.2.93, by which the applicants have been chargesheeted for certain departmental irregularities and lapses. Shri R.S. Sharma, learned counsel for the applicants cited A.I.R. 1988 S.C. page 2118, which says that in certain circumstances the proceeding of departmental charges can be stayed till the finalisation of the criminal trial in the Court of Law. Shri Sharma said that the applicants have already been challaned by the police before a Court of Law for certain offences under Sections 120-B, 420 and 471 of the Indian Penal Code. He alleges that the chargesheet is also on the

similar lines as the offences described in the various sections of the I.P.C.

2. We have gone through the chargesheet issued by the Department and in view of the Hon'ble Supreme Court's judgement in the case of Union of India Vs. Ashok Kacker, cited at 1995 S.C.C. (L & S), 374, this is not the stage at which the Tribunal can interfere with the departmental proceedings. Their Lordship's in that judgement held that "in our opinion, this was not the stage at which the Tribunal ought to have entertained such an application for quashing the chargesheet and the appropriate course for the respondent to adopt is to file his reply to the chargesheet and invite the decision of the disciplinary authority thereon." The criminal proceedings are pending on criminal charges, whereas the departmental proceedings are based on the irregularities committed by the applicants. There is a catena of judgements of the Hon'ble Supreme Court and this Tribunal wherein it has been held that both these criminal and departmental proceedings can continue simultaneously. However, adequate safeguards are required to be taken at the time of departmental proceeding so that this cannot be used against the applicants in the criminal trial. This is a matter in which applicant himself has to ensure the safeguards.

3. In view of what has been stated above, we find that the O.A. is highly pre-mature and is dismissed accordingly at the stage of admission.


(RATTAN PRAKASH)
MEMBER (J)


(N.K. VERMA)
MEMBER (A)