

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

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Date of Decision: 20.3.97

OA 93/97

Smt.Nirmal Kumari Rajput, Clerk, Electric Branch, DRM Office, Bikaner Division, Northern Railway, Bikaner.

... Applicant

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Electrical Engineer, Northern Railway, Bikaner Division, Bikaner.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.J.K.Kaushik

For the Respondents

...

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Smt.Nirmal Kumari Rajput, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, for seeking a direction to the respondents for keeping the disciplinary proceedings in abeyance till the conclusion of the criminal case grounded on the same facts.

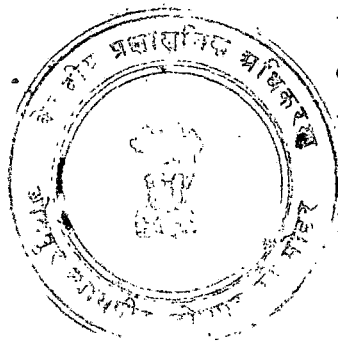
2. We have heard the learned counsel for the applicant.

3. The case of the applicant is that during her posting as a Clerk in the office of the Divisional Electrical Engineer, Northern Railway, Bikaner Division, Bikaner, a criminal case has been instituted against her in the court of Special Judge, CBI Cases, Jaipur, which has been registered as Criminal Case No.36/86, for committing offences under Sections 120-B read with 420, 467, 468, 471 and 476 of the Indian Penal Code. The criminal case is still pending. In spite of the criminal case, departmental action based on the same facts, has also been initiated against her and the contention of the applicant is that criminal prosecution and departmental proceedings, based on the same set of facts, cannot go on simultaneously. She has, therefore, prayed for staying the disciplinary proceedings till the finalisation of the criminal case.


4. It is noteworthy that the legal controversy involved in the present case has been set at rest by a decision of Hon'ble the Supreme Court.



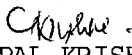
*Chandra*



reported in JT 1996 (8) SC 684, State of Rajasthan vs. B.K.Meena and others, in which their Lordships of Hon'ble the Supreme Court have held that criminal prosecution and disciplinary proceedings, even if based on the same set of facts, can go on simultaneously. In view of this legal position, we find that the present application is not maintainable and it is, therefore, dismissed at the stage of admission.

  
(O.P.SHARMA)

ADMINISTRATIVE MEMBER

  
(GOPAL KRISHNA)

VICE CHAIRMAN

VK