

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 20.3.97

OA 94/97

Surendra Singh Rajput, Head Clerk, Loco Shed Bhatinda, Bikaner Division, Bikaner, Northern Railway.

... Applicant

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The Senior Divisional Personnel Officer, Northern Railway, Bikaner Division, Bikaner.
3. The Additional Divisional Railway Manager, Northern Railway, 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, Surendra Singh Rajput, in this application u/s 19 of the Administrative Tribunals Act, 1985, has sought a direction to the respondents for keeping the disciplinary proceedings against him in abeyance till the conclusion of the criminal case grounded on the same facts.

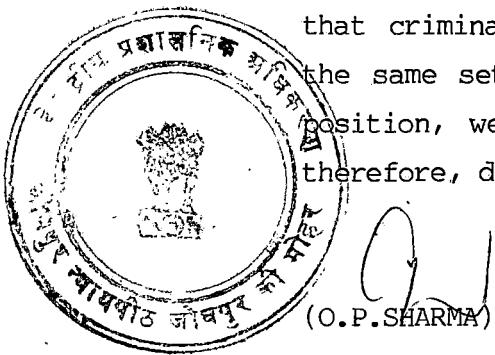
2. We have heard the learned counsel for the applicant.

3. The case of the applicant is that while he was posted as Head Clerk at Lucknow, during the year 1982, prosecution was launched against him in the court of Special Judge, CBI Cases, Lucknow, for offences under Section 120-B read with 420, 468 and 471 of the Indian Penal Code and 5(1)(d) of the Prevention of Corruption Act, 1988. The said criminal case is still pending. However, during the pendency of the criminal case, a charge-sheet for major penalty, vide memo dated 5.2.90, grounded on the same set of facts, has been served upon the applicant. He has, therefore, contended that since criminal prosecution and disciplinary action are based on the same facts, the disciplinary proceedings ought to be stayed.

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

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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 case is not maintainable and it is, therefore, dismissed at the stage of admission.



ADMINISTRATIVE MEMBER

CKrishna
(GOPAL KRISHNA)

VICE CHAIRMAN

VK