

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 524/2000

Thursday, this the 25th day of May, 2000.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

G.Sivasankaran Nair,
Enforcement Officer,
Enforcement Directorate,
Hyderabad(under suspension) Head Quarter's,
Trivandrum.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. Union of India represented by the
Secretary to the Government of India,
Ministry of Finance,
New Delhi.

2. Director of Enforcement,
Enforcement Directorate,
FERI, 3rd Floor,
3rd Block, North Block,
Khan Market,
New Delhi-3.

3. Commissioner for Departmental Enquiries,
Central Vigilance Commission
Satkar Kata Bhavan,
Near Vikas Aadhan,
INA, New Delhi-23.

- Respondents

(By Advocate Mr. TC Krishna, ACGSC)
The application having been heard on 25.5.2000, the Tribunal on
the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant, Shri Sivasankaran Nair, Enforcement Officer under suspension, has filed this application praying that it may be declared that the simultaneous proceedings in Criminal Court and before the Departmental Enquiry Officer on

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the same set of facts are illegal and for a direction to the respondents to keep the departmental enquiry in abeyance till the disposal of the criminal case. It is alleged in the application that a criminal case against the applicant is pending on the complaint that he demanded and accepted Rs.25,000/- from one Mr.D.C.Jain and that a departmental enquiry is pending against him on the allegation that he demanded and accepted a sum of Rs.20,000/- as bribe from one Mr Krishnamoorthy. A-6 is the copy of the charge sheet in the criminal case and A-7 is the copy of the memorandum of charge in the departmental enquiry.

2. We have heard the learned counsel for the applicant and have perused the materials placed on record. It is seen from A-6 and A-7 that while the applicant is prosecuted for the charge of demanding and accepting a sum of Rs.25,000/- from Mr Jain, the departmental charge against the applicant is that he demanded and accepted a sum of Rs.20,000/- from Mr Krishnamoorthy and therefore, under no stretch of imagination it can be said that both the proceedings are on identical imputations. Therefore, in our considered view, it is not necessary to stop the progress of departmental enquiry till the criminal case is disposed of on the basis of the averments made in the application. Hence the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated, the 25th of May, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

trs/26500



A.V. HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-6: True copy of the charge sheet and witness list of prosecution in CC 16/98 before the Hon'ble Special Judge CBI Cases, Hyderabad.
2. A-7: True copy of the Memorandum No.C-3/26/97 dated 25.1.99 issued by the Director of Enforcement.