

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

(AD)

O.A. No. 144/1991

18.7.91

Laxmi Kant Kumar

Applicant.

Mr. J.K. Sinha

Counsel for Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Kaushal Kumar, Vice Chairman.

Hon. Mr. D.K. Agrawal, Judl. Member.

(Hon. Mr. Kaushal Kumar, V.C.)

In this application filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for issue of an appropriate order or direction to the respondents to keep the departmental proceedings initiated against him in abeyance till the conclusion of the divorce case.

2. The article of charges framed against the applicant is that he entered into and contracted a second marriage, although he was having his first wife and thus committed serious misconduct and violated rule 21(2) of the Railway Services(Conduct) Rules, 1966.

3. The learned counsel for the applicant has not been able to show us any instructions issued by the Government or any case law in support of his contention that during the pendency of the divorce case or in <sup>to</sup> any civil suit for payment of maintenance in respect of first wife, departmental proceedings should be kept pending.

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4. It is open to the applicant to make his submissions and put up his defence before the Enquiry Officer or the competent disciplinary authority. We do not find any cogent reason or ground for staying the disciplinary proceedings initiated against the applicant. The present application is misconceived and is accordingly DISMISSED.

*Dr. A. S. Ghosh*  
Judl. Member. 18.7.91.

*h. Mune*  
18-7-91  
Vice Chairman.

Shakeel/

Lucknow Dated: 18.7.91