

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:343/2001

DATE OF DECISION:12.6.2001

Shri Mohan Yeshwant Darge Applicant.

Shri V.G. Mujumdar Advocate for  
Applicant.

Versus

Union of India and others Respondents.  
Advocate for  
Respondents

**CORAM**

Hon'ble Shri Justice, B.Dikshit, Vice Chairman

Hon'ble Shri B.N. Bahadur, Member(A)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to  
other Benches of the Tribunal?

(3) Library.

*B. Dikshit*

(B.Dikshit)  
Vice Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 343/2001

TUESDAY the 12th day of JUNE 2001

CORAM: Hon'ble Shri Justice B.Dikshit, Vice Chairman

Hon'ble Shri B.N. Bahadur, Member(A)

Mohan Yeshwant Darge  
R/at Amanipur, Tal.Oakys  
District Sangli.

...Applicant.

By Advocate Shri V.G.Mujumdar.

V/s

1. Union of India through  
The Secretary, Ministry  
of Post "New Delhi"  
Dak Bhaavan, New Delhi.
  2. Director of Postal  
Services office of  
Post Master General  
Goa Retion, Panaji.
  3. Senior Superintendent  
of Post Offices, Sangli  
Division, Sangli.
- ...Respondents:

ORDER(ORAL)

{Per Shri Justice B.Dikshit,Vice Chairman}

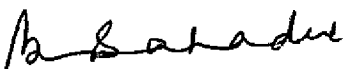
Heard counsel for the applicant. The order under challenge is dated 1.5.1985 whereby the applicant has been dismissed from service. The learned counsel for the applicant argued that the applicant was being prosecuted . He moved an application for stay of disciplinary proceedings pending prosecution on which no stay was granted and he was dismissed.

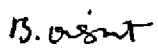
2. Admittedly the application for stay was rejected, and the enquiry proceeded which resulted in applicants dismissal. The learned counsel for the applicant stated that the applicant has

*B. Dikshit*

been prosecuted but he did not take steps to challenge that order and on being acquitted criminal proceedings on 20.10.1999, he made representations which are not being disposed of. He contended that as criminal proceedings was pending, which has resulted in acquittal, the applicant is entitled for re-instatement. In the alternative he contended that the respondents be directed to dispose of the representation moved by applicant.

3. There is no force in the argument. The law permits that criminal as well as disciplinary proceedings can go together. In case the applicant had any grievance against the order passed in disciplinary proceedings he had a remedy against it under the rules. His acquittal in respect of criminal prosecution in any way vitiates <sup>validity of</sup> the order passed in disciplinary proceedings. The order of dismissal from service is of 1.5.1985 but this application has been presented on 30.11.2000 together with an application for condonation of delay. We have gone through the application for condonation of delay and we are not satisfied that there is sufficient cause for condonation of delay. For the aforesaid reason the M.P. for condonation of delay is rejected. As the M.P. for condonation of delay is rejected the OA is also dismissed as barred by limitation, delay and laches. No order as to costs.

  
(B.N. Bahadur)  
Member(A)

  
(B. Dikshit)  
Vice Chairman