

Shri. B. R. Bagde, NCP  
 (Shri. A. S. Bhagat, Adm)

OA. 53/90

2/8 Post San  
 (Shri R. P. Donda, Adm)

I 1 29-1-90 To  
 28-3-90 To  
 2-4 30-3-90 To  
 31-5-90  
 5 20-7-90  
 21-9-90  
 6 14-12-93  
 6 14-1-94

Registrar's Const order

PT

Jud/ Disposed of

Cora: Liable Sh. M. S. Deshpande, ne.  
 Liable Sh. M. R. Kollatkar, M. A.

Indecent & immoral

II  
 III 1-2 21-1-90  
 3-4 2-2-90  
 5 15-12-93  
 6 3-2-94

Scrutiny - Sheet 6 on  
 notice issued to Respondent to  
 for AH  
 notice issued to parties  
 copy of jud issued to  
 parties

my  
 25/11

I undertake that the  
Copies will be served on  
all Respondents.

Part II)

*[Signature]*  
29.1.90  
D. B. Waltraue  
Adv

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY

O.A. No. *52* of 1990

B.R. Bagde /vs/ Union of India

I N D E X

S.No.	Description of Documents relied upon	Date	Pages
1.	Application.	20.1.90	01 - 10
2.	List of Document/Index		11
3.	<u>Annex.No.1</u> - Challan of Criminal prosecution.		12 - 14 13
4.	<u>Annex.No.2</u> - An Extract of Rule No.80,81,82 of P&T Man.Vol.III		14 15 - 16
5.	<u>Annex.No.3</u> - Major Charge sheet. No.F.4/5/BRB/86-87 issued by Respondent No.1.		17 - 19
6.	<u>Annex.No.4</u> - Objection/representation during Enquiry.		20 - 24
7.	<u>Annex.No.5</u> - Reply rejecting objection by respondent No.1 disciplinary authority.		25 - 26

⑧ Reply to Repd 6 1 to 7  
Nagpur: 01w 31.7.90

Dt. 29/1/1990

*[Signature]*  
Counsel for the Applicant.

Stamp No  
46/90  
2 sets

29/1/90

82

Office Notes, Office Memorandum, Coram, Appearances, Tribunal's Order of directions and Registrar's Order

Tribunal's Orders

Dated : 29.1.90.

NOTICE is issued  
to all Respondents  
2-2-90

18  
2-2-90

Applicant's another  
application on 56/88  
is pending in CA.

Noticed dt 2-2-90  
Served on Res NO 2  
on dt 7-2-90

MR  
12-2-90

Notice dt 2-2-90  
Served on Res NO 1  
on dt 6-2-90

MR  
13-2-90

Notice dt 2-2-90  
Served on Res NO 1  
vide letter dt 6-2-90  
MR  
14-2-90

Mr. D. B. Walthare on behalf  
of the applicant.

Issue notice to the  
respondents, returnable on  
28.3.90 for admission and  
interim relief at Nagpur.

(M. Y. Pooikar)  
M(A)

Dated : 28.3.90. Camp: Nagpur

Applicant by Mr. A. S. Bhagat.  
Respondents by Mr. Ramesh Darda.

At Mr. Darda's request  
for a short adjournment, S.O. to  
30.3.90 for admission and interim  
relief.

(J. P. Sharma) (P. S. Chaudhary)  
M(J) M(A)

Dtd. 30-3-90 Camp: Nagpur

Applicant by Mr.  
A.S. Bhagat. Respondent  
by Mr. Ramesh Darda.

2. Admit.

3. Respondents to file  
their reply before the  
Dy. Registrar at  
New Bombay on

31-5-90 with a copy  
to Mr. Bhagat. This  
reply may be sent by  
Registered Post. Applicant  
need not be present at  
New Bombay for this purpose.

4. Mr. Bhagat ~~prayed~~ <sup>pressed</sup> for  
the interim relief ~~and~~ <sup>prayed for</sup>  
~~sought~~ <sup>and cited</sup> several judgements  
of High Courts to support  
his contention. But the  
law in this respect has  
been laid down by the  
Supreme Court in several  
judgements, the latest of  
which that was brought  
to our notice is "Kushesh  
was Dubey V. Bharat  
Coking Coal Ltd. and others."

cmj

Contd.

(3)  
-II (1988) AT LT CSE) 468. In para 6 of this judgement it has been laid down that <sup>"The view expressed in</sup> the three cases of this Court seem to support the position that while there could be no legal bar for simultaneous proceedings being taken, yet, there may be cases where it would ~~it would~~ be appropriate to defer disciplinary proceedings awaiting disposal of the criminal case." Mr. Darda submitted that it would be totally inappropriate in this case to take such a view ~~and~~ taking into consideration <sup>the</sup> wide ramifications involving Rs. 3 Lakhs.. He further submitted that the employee was due to retire within the next 4-5 years and that if the criminal case was not decided within this period Government funds were liable to be placed in jeopardy. He further submitted that no ~~damages~~ <sup>prejudice</sup> would be caused ~~cost~~ to the applicant because evidence <sup>recorded during</sup> ~~the~~ the disciplinary proceedings was not to be used in the criminal case. This bar also covers not using the statement of delinquent official. In this view of the matter, we see no reason to grant <sup>i.e.</sup> the interim relief prayed for <sup>it</sup> to set aside the departmental proceedings.

contd.

contd.

(U)

Notice dt. 2-2-90  
Served on ~~P.P.S. Cell~~  
Respondent

MS  
31/5

5. Call before the Dy  
Registrar at New Bombay  
for reply and directions  
on 31-5-1990.

Jomae P. Chaudhri  
(J.P. Sharma) (P.S. Chaudhri)  
m. (J) m. (A)

O.A. 53/90.

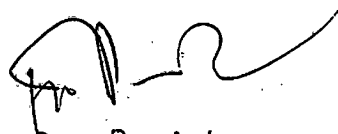
Date : 31.5.1990.

The Applicant is not present as  
he was directed not to remain present  
today.

Mr. Ramesh Darda, Counsel appears  
for Respondents.

At the request of Mr. Darda  
adjourned to 20.7.1990 for reply and  
further directions.

No notice to either side.

  
Dy. Registrar.

5  
OA 53/90

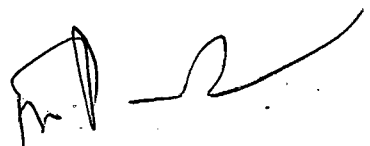
Date: 20.9.90

Neither the Applicant nor his Advocate is present as they were directed not to remain present.

Mr. Ramesh Darda, Counsel for the Respondents.

Mr. Ramesh Darda prays to grant further time for filing reply.

Adjourned to 21.9.90 for reply and further directions.

  
Dy. Registrar.

OA 53/90

Date: 21.9.90.


Neither the Applicant nor his Advocate are present.

Mr. Ramesh Darda, Counsel for the Respondents.

Mr. Ramesh Darda has filed reply today and has served copy on the Applicant.

Since the reply of Respondents has been filed in the matter, the matter has become ready for hearing. However, it is not possible to fix hearing date in the near future on account of other old pending urgent matters. This matter is, therefore, kept on Sine-die list.

Mr. Ramesh Darda says that at the time of fixing the date of final hearing notice may be issued to Respondent No.1. Notice may also be issued to the Applicant.

  
Registrar.

(6)

PER TRIBUNAL

Dt. 14/12/93

As per direction of the Hon'ble Vice Chairman dated 24.8.93, the matter is taken up from Sine-dia list. Fixed for Final Hearing on 10/1/94.

at Nagpur

Issue notices for the parties as per order dated 21/9/90.

Sony  
Court Officer

Notice issued to applicant & R. no. on 15/12/93.

Date - 14-1-94

2  
17/12

none for the parties.

The only relief that was sought by the present application was a stay order from continuing with the departmental proceedings and the interim relief was refused on 30-3-90.

The enquiry was to proceed.

The remedy of the applicant would obviously be to challenge the finding and the punishment imposed at the conclusion of the enquiry and the final relief sought in this case cannot therefore be granted.

The application is, therefore, dismissed.

dt. 14.1.94  
Order/Judgement despatched to Applicant/Respondent (s) on 21/1/94

N. R. Kolhatkar

(M. R. KOLHATKAR)

M(A)

(M. S. DESHPANDE)  
KC