

Shri B. R. Bagde, NCP
C8h, A-8, Bhagat, Ady

OA. 53/90

W
2/8 Post rec
CJm R. P. Donda Poly

I

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

Registers went order

II

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

scrutiny - Sheet 6 on
notice issued to Recd to
for AH
Notice issued to parties
copy of jud issued to
parties

My
25/1

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

Part D)

Omji
D. B. Waldegrave
Adv.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY

O.A. No. 291190 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. | Annex.No.1 - Challan of Criminal prosecution. | | 12 - 14 13 |
| 4. | Annex.No.2 - An Extract of Rule No.80,81,82 of P&T Man.Vol.III | | 14 15 - 16 |
| 5. | Annex.No.3 - Major Charge sheet. No.F.4/5/BRB/86-87 issued by Respondent No.1. | | 17 - 19 |
| 6. | Annex.No.4 - Objection/representation during Enquiry. | | 20 - 24 |
| 7. | Annex.No.5 - Reply rejecting objection by respondent No.1 disciplinary authority. | | 25 - 26 |

⑥ Reply to Repd b - 767

Nagpur: 31.7.90

Dt. 20/1/1990

M. N. Bagde
Counsel for the Applicant.

Group No
46/90
2 sets

29/1/90

82

Office Notes, Office Memo
randum, Coram, Appearances,
Tribunal's Order of direc-
tions and Registrar's Order

Tribunal's Orders

①

Dated : 29-1-90.

Notices are issued
to all Respondents
2-2-90

AB
2-2-90

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

Issue notice to the
respondents, returnable on
28-3-90 for admission and
interim relief at Nagpur.

Applicant another
application no on 567/88
is pending in CAT.

Notice dt 2-2-90
Served on RegNo 2
on dt 7-2-90

AB
12-2-90

Notice dt 2-2-90
Served on RegNo 1
on dt 6-2-90
AB
13-2-90

Notice dt 2-2-90.
Served on RegNo 1
late letter dt 6-2-90
AB
14-2-90

My
hi
(M.Y. Poddar)
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.

Jas
(J.P. Sharma)
M(J)

P.S. Chaudhary
(P.S. Chaudhary)
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~~ ^{pressed} for
the interim relief ~~and~~
and cited several judgements
~~sought~~ 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

contd.

(3)

Contd.

-II (1988) AT LT (CSE) 468. In para 6 of this judgement it has been laid down that "The view expressed in 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 ~~not~~ 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 taking into consideration the 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 ~~damage~~ ^{prejudice} would be caused to the applicant because evidence ^{recorded during} ~~not~~ 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 ^{the} interim relief prayed for to set aside the departmental proceedings.

Contd.

Notice dt. 2.2.90
Served on ~~Parveen~~ ~~Parveen~~
Respondent

Mr
31/5

-3-
contd. (W)
5. Call before the Dy
Registrar at New Bombay
for reply and directions
on 31-5-1990.

Jommae P. S. Chaudhuri
(J.P. Sharma) (P.S. Chaudhuri)
m. (J) m. (A)

O.A.53/90.

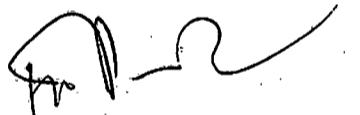
Date : 31.5.1990.

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.

OA 53/90

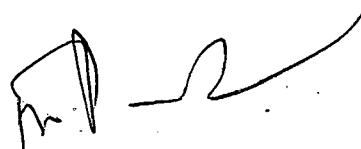
Date: 20.9.90

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

At Nagpur

SOMYA
Court Officer

Notice issued to applicant & R.m.s on 17/12/93.

17/12

none for the parties.

The only relief that was sought by the present application was ~~to~~ 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, disposed of.

Dt. 14.1.94
Order/Judgement despatched
to Applicant/Respondent(s)
on 3/2/94

14/12/93

M. R. Kolhatkar
(M.R. KOLHATKAR)

M(A)

M.S. Deshpande
(M.S. DESHPANDE)

KC