

(62)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A.26/91

K.K.Kazi
Counter Clerk
(Postal Asstt.),
Post Office(Head)
Buldhana.
Tah.& Dist.Buldhana.

.. Applicant

vs.

1. Union of India
through
Secretary
Ministry of Communication,
New Delhi.
2. The Superintendent of
Post Offices,
Buldhana. .. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava
Vice-Chairman

Hon'ble Shri P.S.Chaudhuri,
Member(A)

Appearances:

1. Mr.G.S.Shukla
Advocate
for the applicant
2. Mr.Ramesh Darda
Counsel for the
Respondents.

ORAL JUDGMENT:
(Per U.C.Srivastava, Vice-Chairman)

Date: 10-7-1991

After the acquittal from the Criminal Court the applicant has approached this Tribunal against the departmental proceedings which are going ahead. In our opinion the matter is still premature. No order against the applicant has been passed so far.

2. The applicant has been acquitted as has been stated by respondents in their reply on certain technical ground. It will prejudice the case of the applicant in case we express our opinion as to whether the charge before the Criminal Court and the charge in the departmental enquiry is the same or varies. Accordingly we are not making

any observation in this behalf, but in our opinion this application is still premature as we do not propose to interfere with the enquiry proceedings. It is for the applicant to ask the Inquiry Officer and the Disciplinary Authority to take into consideration the fact that he has been acquitted by the Criminal Court and he can also point out to them that the charge is the same if that be so. With the above observation and with liberty to the applicant to approach the Tribunal as and when any such occasion arises, this application is dismissed.

3. It has been stated that the matter ^{been} has not yet / finally settled as the same has been challenged. According to the applicant proceedings cannot go ahead and in this connection a reference to the case of Kusheshwar Dubey v. M/s. Bharat Coking Coal Ltd. and other, AIR 1988 SC 2118 has been made. ~~ordinarily~~. However, in the said case it has been pointed out there could be no legal bar for simultaneous proceedings being taken, yet, there may be cases where it would be appropriate to defer disciplinary proceedings awaiting disposal of the criminal case. As the disciplinary proceedings are still pending and in case the criminal proceedings are pending it will be open for the applicant to approach the Disciplinary Authority to stay his hand in the matter instead of approaching the Tribunal. With the above observation this application is disposed of.


(P.S. CHAUDHURI)
Member(A)


(U.C. SRIVASTAVA)
Vice-Chairman