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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 456/91 and 488/91.

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DATE OF DECISION 12.4.1993

Shri S.V.Mathew and Another. Petitioner

Shri A.Bhutani. Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri R.K.Shetty. Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,

The Hon'ble Shri M.Y.Priolkar, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ? *no*

WY
(M.S.DESHPANDE)
VICE-CHAIRMAN

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, BOMBAY.

1. Original Application No.456/91.

Shri S.V.Mathew.

.... Applicant.

V/s.

Union of India & Ors.

.... Respondents.

2. Original Application No.488/91.

Shri J.M.Shaligram.

.... Applicant.

V/s.

Union of India & Ors.

.... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
Hon'ble Shri M.Y.Priolkar, Member(A).

Appearances:-

Applicants by Shri A.Bhutani.
Respondents by Shri R.K.Shetty.

Oral Judgment:-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 12.4.1993.

We have heard Shri A.Bhutani, counsel for the applicants and Shri R.K.Shetty, counsel for the Respondents. It is apparent that the Criminal Proceedings is pending on the basis of the same facts which are the subject of the departmental proceedings. We were referred to Ramesh Kumar V/s. Commissioner of Police & Ors.

(1993(1) CAT 361) and Kusheshwar Dubey V/s. Bharat Coking Coal Ltd. & Ors. (1988(2) CLR 497). In the former the subject matter of the inquiry in the departmental proceedings was completely different from the allegations made in the Criminal case which would not be the case here. In the circumstances, we direct that the departmental inquiry against the applicant be stayed till the out come of the Criminal Trial in case No.488/CW of 91 pending in the Court of the Chief

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Metropolitan Magistrate, Bombay. Rule absolute in these terms.

2. A copy of the order be supplied to the counsel for the parties.


(M.Y.PRIOLKAR)
MEMBER (A)


(M.S.DESHPANDE)
VICE-CHAIRMAN

B.