

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 797/93

XXXXXXXXXXXXXKXXXXXKXXXXXKXXXXX

DATE OF DECISION 11.2.1994

Shri R.L.Tyagi Petitioner

Sh.M.S.Ramamurthy with Smt.Masurkar Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri A.I.Bhatkar for Sh.M.I.Sethna Advocate for the Respondent(s)

COURT:

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

• The Hon'ble Shri M.R.Kolhatkar, Member (A)

1. ~~whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? *W*
3. ~~whether their Lordships ish to see the fair copy of the Judgement ?~~
4. ~~whether it needs to be circulated to other Benches of the Tribunal ?~~ *W*

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER (A)

W

(M.S.DESHPANDE)
VICE CHAIRMAN

NS/

(6)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA. NO. 797/93

Shri R.L.Tyagi

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri M.R.Kolhatkar

Appearance

Shri M.S.Ramamurthy
with Smt.N.V.Masurkar
Advocate
for the Applicant

Shri A.I.Bhatkar
for Shri M.I.Sethna
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 11.2.1994

(PER: M.S.Deshpande, Vice Chairman)

Heard. Shri Bhatkar for the respondents requests for time to file an affidavit stating that affidavit is under preparation. The facts are eloquent. There was interception of two passengers at the International Airport at Delhi and currency declaration form was obtained from one of the passengers. A criminal complaint was filed by the passenger that his currency declaration form was suppressed by the Customs department. The applicant, Tyagi was examined in that case and stated that the currency declaration form had been obtained and was in the custody of Customs. Gandhi had stated that he had not seen the CDF himself but subsequently confirmed that Shri B.S.Longani took out two baggage tags and one folded paper from his turban and while handing over the same to Shri Ashok Kumar Shrivastav (ACO), Shri Longani was making a reference of CD Form. All the three witnesses in the departmental proceedings which have

been initiated were accused before the Magistrate and the Customs Department has moved the Delhi High Court for quashing the criminal proceedings under Section 482 of the Code of Criminal Procedure. It is apparent that the proceedings before the criminal court are still pending. The applicant's contention is that the present proceedings against the applicant were initiated with a view to stifle the criminal proceedings. We find that it would be highly inappropriate to proceed with the departmental proceedings against the applicant during the pendency of the criminal proceedings. We, however, do not wish to ~~sabotage~~ scuttle any departmental action but only direct that the departmental proceedings shall stand suspended until the case in the criminal court is finally decided.

2. With these directions the application is disposed of. The other contentions which have been raised by the applicant about the maintainability of departmental proceedings are kept open.

M.R.Kolhatkar

(M.R.KOLHATKAR)

MEMBER (A)

M.S.Deshpande

(M.S.DESHPANDE)

VICE CHAIRMAN

mrj.