

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application 405/95

Transfer Application No.

Date of Decision 28.7.95

P.S. Pandit

Petitioner/s

Shri S. Natarajan

Advocate for  
the Petitioners

Versus

Union of India and others

Respondent/s

Shri Ravi Shetty for

Shri R.K. Shetty

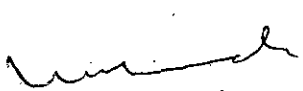
Advocate for  
the Respondents

CORAM :

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

Hon'ble Shri. P.P. Srivastava, Member (A)

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to  
other Benches of the Tribunal ?

  
(M.S. Deshpande)  
Vice Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 405/95

P.S. Pandit

... Applicant

V/s.

Union of India through  
Secretary  
Department of Atomic Energy  
Anushakti Bhavan,  
C.S.M. Marg., Bombay.

The Head Personnel Division  
Bhabha Atomic Research Centre  
Trombay, Bombay.

... Respondents

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

Hon'ble Shri P.P. Srivastava, Member (A)

Appearance:

Shri S. Natarajan, counsel  
for the applicant.

Shri Ravi Shetty for  
Shri R.K. Shetty, counsel  
for the respondents.

ORAL JUDGEMENT

Dated: 28.7.95

¶ Per Shri M.S. Deshpande, Vice Chairman ¶

Heard counsel for the parties.

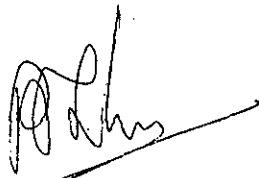
2. It is apparent that the departmental enquiry was <sup>on</sup> in charge of theft of Copper Wire by the applicant and on the same charge criminal proceedings <sup>have</sup> been initiated and the criminal case is pending against the applicant. The learned counsel for the respondents states that the applicant did not appear <sup>at</sup> before the departmental enquiry and after recording the evidence the Enquiry Officer has submitted his report to the Disciplinary Authority, but the Disciplinary Authority has not yet passed the final order. The grievance of the applicant is that if the applicant were to disclose his defence or want to cross examine the witnesses <sup>at the enquiry</sup> that liberty lies

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~~before the Magistrate and~~ that will prejudice the case of the applicant before the Criminal Court.

3. The learned counsel for the applicant has drawn our attention to the observations made by the Supreme Court in Kusheshwar Dubey V/s. Bharat Coking Coal Ltd. and Others. (1988 SCC (L & S) 950) that the departmental proceedings should have been stayed when criminal case is pending. The Disciplinary authority shall have to pass a final order only after the criminal case against the applicant is finally decided. No prejudice is going to be caused to the applicant by this direction. The applicant is already <sup>under</sup> ~~in~~ suspension <sup>and</sup> that suspension will continue till the decision of the criminal case.

4. We say nothing on the merits of the case either <sup>at</sup> ~~for the~~ departmental enquiry or in the criminal court because the proceedings will have to be decided on evidence of record. With this direction we dispose of this O.A.



(P.P. Srivastava)  
Member (A)



(M.S. Deshpande)  
Vice Chairman