

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 845/92

Date of Order: 24.9.1992

BETWEEN:

G.Narendra Prasad

.. Applicant.

A N D

The Supdt. of Post Offices,
Khammam Division, Khammam.

.. Respondent.

Counsel for the Applicant

.. Mr.k.Vinay Kumar

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Division Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.)).

T - Chandrasekhara Reddy

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This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to declare the departmental proceedings initiated as against the applicant as illegal, arbitrary and violative of principles of natural justice in view of the criminal proceedings that are pending against the applicant and to quash the said departmental proceedings initiated as against the applicant.

The facts giving rise to this OA in brief, may be stated as follows:

The applicant herein while working as Sub Divisional Inspector (Postal, Khammam) was prosecuted ~~xx~~ of the alleged offences under Section 406, ⁴⁴² 428 and 420 IPC. The criminal prosecution is pending as on today as against the applicant.

While the said criminal proceedings were pending as against the applicant for the alleged mis-appropriation etc., the department had initiated disciplinary proceedings as against the applicant. The grievance of the applicant is that he would be prejudiced in his defence in the criminal case, if the departmental proceedings are to continue. Hence, the present OA is filed for the relief as already indicated above.

Today during the course of admission hearing, we have heard Mr Dölleswara Rao for Mr K.Vinay Kumar, Advocate for the applicant and Mr NR Devraj, Standing counsel for the respondents.

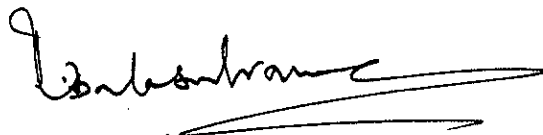
of Madras High Court

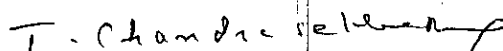
In a decision/reported in SLR 1991 at Page 448 in PJ Sunder Rajan Vs Dy.General Manager, Unit Trust of India, Madras Regional office and another respondent, the Madras High Court had held that the pendency of the criminal proceedings and disciplinary proceedings on

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on the same charges is no bar in continuing the parallel disciplinary proceeding. The Madras High Court in the said Judgement has also referred to a decision of the Supreme Court in AIR 1988 SC 2119 in Kusheshwar Vs M/sBharat Cooking Coal Ltd. We are not at all informed how the applicant would be prejudiced in any way due to simultaneous continuation of the criminal and disciplinary proceedings. So, in view of the said position, we are of the opinion that there is no substance in the grievance of the applicant and hence, this OA is liable to be rejected and is accordingly rejected ^{under} the provisions of 19(3) of the Administrative Tribunals Act, leaving the parties to bear their own costs.


(R. BALASUBRAMANIAN)
Member (Admn)


(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 24th September, 1992


Dy. Registrar (Judl.)

(Dictated in the Open Court)

Copy to:-

1. The Supdt. of Post Offices, Khamman Division, Khamman,
2. One copy to Sri. K. Vinay kumar, advocate, Gandhinagar, Hyd.
3. One copy to Sri. N.R. Devaraj, SR. CGSC, CAT, Hyd.
4. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A) F

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 24/9/1992

ORDER/JUDGMENT:

R.A. / C.A. / M.A. No

in

O.A. No.

845792

T.A. No.

(wp. No)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

