

(84)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.434 of 1992

DATE OF JUDGMENT: 25th June, 1992.

BETWEEN:

Mr. G.Rattaiah

..

Applicant

AND

Union of India represented by-

1. The Secretary to Government,

Department of Posts,
New Delhi.

2. The Postmaster General,
Visakhapatnam.

3. The Superintendent of Post Offices,
Rajahmundry.

..

Respondents

COUNSEL FOR THE APPLICANT: Mr. KSR Anjaneyulu

COUNSEL FOR THE RESPONDENTS: Mr. M.Jagan Mohan Reddy, Addl.CGS

CORAM:

Hon'ble Shri P.C.Jain, Member (Admn.)

Hon'ble Shri G.J.Roy, Member (Judl.)

(Signature)

contd....

JUDGMENT AS PER THE HON'BLE SHRI P.C.JAIN, MEMBER (ADMN.)

35

The applicant ~~who~~ was working as Treasurer in the Mandapeta Head Post Office, East Godavari (now under suspension) has filed this OA under section 19 of the Administrative Tribunals Act, 1985 with the prayer for a direction to ~~the~~ respondents 2 and 3, viz., the Postmaster General, Visakhapatnam and the Superintendent of Post Offices, Rajahmundry respectively, not to proceed with the departmental inquiry initiated against the applicant in pursuance of the memo issued on 13.3.1992, on the ground that a criminal case under Section 409 of the IPC has also been registered against him.

2. Notice was directed to be given to the respondents by vide orders passed/a Bench of this Tribunal dated 28.5.1992. Mr. M.Jagan Mohan Reddy, Additional Central Government Standing Counsel is present on behalf of the respondents. After perusing the material on record and also hearing the learned counsel for the parties, we are of the view that this case can be disposed of at the admission stage itself and we proceeded to/accordingly.

3. The contention of the learned counsel for the applicant is that the criminal case registered under Section 409 of the IPC and the articles of charge in the departmental proceedings initiated vide memo dated 13.3.92 are virtually similar if not the same. He, therefore, argued that if the disciplinary proceedings are allowed to continue till the disposal of the criminal case, the

On

contd...

Copy to:-

1. The Secretary to Government, Department of Posts, New Delhi.
2. The Postmaster General, Visakhapatnam.
3. The Superintendent of Post Offices, Rajahmundry.
4. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
5. One copy to Sri. M.Jagan Mehan Reddy, Addl. CGS^U, CAT, Hyd.
6. Copy to reporters as per standard list of CAT, Hyd.
7. One copy to Hon'ble Mr. P.S.Jain, Administrative Member, CAT, Hyd-bad.
8. One copy to Hon'ble Mr. C.J.Roy, Judicial Member, CAT, Hyd.
9. One spare copy.
10. ~~copy to S.R(F)~~

Rsm/-

.. 3 ..

applicant would be prejudiced in his defence in the criminal case. The learned counsel for the respondents, on the other hand, submitted that the articles of charge in the departmental inquiry are totally different from the charge against the applicant in the criminal case registered against him.

4. We have perused the F.I.R., by which a case under Section 409 of the IPC has been registered against the applicant as ~~also~~ the three articles of charge levied against the applicant in the departmental inquiry. We have no hesitation in holding that Part 'A' of ~~the~~ Article-I, Article-II and Article-III of the charges in the departmental inquiry are different from the criminal charge both in their contents as well as in their implication. However, on superficial perusal of Part 'B' of Article-I of the charge, it may appear that it is virtually the same as the charge in the criminal case. On a careful reading of Part 'B' of Article-I of the charge, we find that in fact it is not so. In view of ~~the~~ facts, we do not find any justification to stay the departmental proceedings initiated against the applicant merely because the criminal case under Section 409 of the IPC has been registered against him. However, we consider it appropriate to observe that the defence taken by the applicant in the departmental inquiry against him may not be used by the department in their evidence against the applicant in the criminal case. With these observations, the OA is disposed of at the admission stage itself. No costs.

(Dictated in the open Court).

(C.J.ROY)
MEMBER (JUDL.)

vsn

Dated: 25th June, 1992.

Class-25/6/92
(P.C.JAIN)
MEMBER (ADMM.)

D. Q. (JUDL.)
S/16792

51/185/20-A-434/92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

THE HON'BLE MR.

AND

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

AND

THE HON'BLE MR.T. CHANDRASEKHAR REDDY : MEMBER (A)

AND

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

Dated: 25/6/1992

ORDER / JUDGMENT

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

O.A. No.

434/92

T.A. No.

(W.P. No.)

Admitted and interim directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

Central Administrative Tribunal

DESPATCH

25/6/1992

HYDERABAD BENCH

pvm.

No order as to costs.

3/16/92
3/7/92

Sent to Despatch Section
with 18-B eighteen certified
Copies of this O.D.

APB

21/7/92