

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.490/96.

Date: 15--7--1996.

Between:

A.Venkateswarulu.

Applicant.

And

Superintendent of Post Offices,  
Nandyal Postal Division, Nandyal. Respondent.

MM

Counsel for the Applicant: Sri S.Ramakrishna Rao.

Counsel for the respondent: Sri N.R.Devraj, Senior Standing  
Counsel for the Central Government.

CORAM:

Hon'ble Shri Justice M.G.Chaudhari, Vice-Chairman. *WLL*

Hon'ble Shri H.Rajendra Prasad, Member (A) *8* *10*

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O R D E R

(AS PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI, J)

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Heard Mr. S.Ramakrishna Rao for the applicant and Mr. N.R.Devraj, Senior Standing counsel for the respondents. The applicant has been informed by the impugned Order dated 14-3-1996 that the Disciplinary Authority will take a suitable decision after considering the report of the Enquiry Officer and calling upon the applicant to make a representation, if he is advised to do so. The report of the Enquiry Officer has been furnished to the applicant. It is stated that the applicant has already filed a representation before the Disciplinary Authority. It is submitted on behalf of the applicant that he is being prosecuted in a Criminal case in the Court of the Judicial First Class Magistrate at Darsi and that the criminal case is at the stage of framing the charge. The charge-sheet has been filed against the applicant for offences punishable under Sections 409 and 477-A I.P.C., in Criminal Case No.23/93. It is, therefore, submitted that the proceedings in the Disciplinary ~~Proceedings~~ Enquiry may be directed to be stayed till the criminal case would be decided.

2. We are of the opinion that there is no bar for the two proceedings to continue simultaneously but the fact that the applicant is being prosecuted on the same set of facts which have led to the charge of criminal offence as also mis-conduct in the disciplinary proceedings, the end result



: 3 :

may depend upon the decision in both these cases.

and at an appropriate stage that aspect may be necessary to <sup>be</sup> considered. However, that would not justify the stay of the further proceedings in the

Departmental enquiry. It will be open to the

✓ applicant to plead before the Disciplinary Authority <sup>that</sup>

because of the pendency of the criminal case further

action may be postponed and if that plea is not

accepted, then to raise that plea before the Appellate

Authority, if occasion arises for the applicant to

✓ file an appeal in the event of any order of punishment

✓ is being passed by the Disciplinary Authority.

✓ Both these Authorities are free <sup>to</sup> seriously to consider

the plea of the applicant and give appropriate directions

in that behalf. The O.A., has been brought at an

interlocutory stage. Hence it is left open to the

✓ applicant to urge <sup>at appropriate stage in</sup> these contentions based on the fact

that a criminal case has been launched during the

✓ pendency of the disciplinary enquiry and in the light of the

result of the criminal case, the ~~xxx~~ order in the

✓ disciplinary <sup>proceeding</sup> enquiry may be moulded in the event he would be

being required to approach the Tribunal against the

final order passed by the Appellate Authority in the

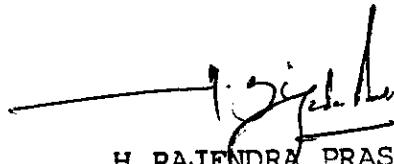
✓ and the order calls for variation.

✓ Disciplinary Proceedings. With these observations

W.M.

: 4 :

the O.A., is dismissed as interlocutary without prejudice  
to adopt <sup>future</sup> ~~for the~~ remedies.

  
H. RAJENDRA PRASAD

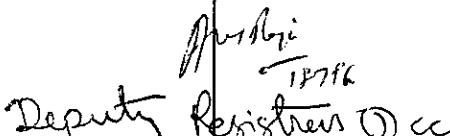
Member (A)

  
M.G. CHAUDHARI, J

V.C.

Date: July 15, 1996.

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Dictated in open Court.

  
Deputy Registrar (D.C.C.)  
July 15, 1996

SSS.

O.A. 490/96.

To

1. The Superintendent of Post Offices,  
Nandyal Postal Division, Nandyal.
2. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
3. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

pvm.

1/7/96  
I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 15-7-1996

ORDER/JUDGMENT

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

in

O.A.No. 595/96 490/96

T.A.No.

(W.P.)

Admitted and Interim Directions

issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm

