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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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O.A.No.490/96.

Date: 15--7--1996.

Between:

A,Venkateswarulu.

Applicant.

And

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

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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) *isp*

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Date: 15--7--1996.

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



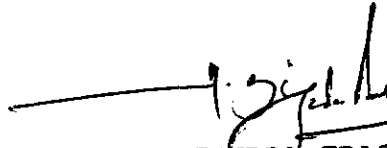
may depend upon the decision in both these cases. and at an appropriate stage that aspect may be necessary to ^{be} considered. However, that would not justify the stay of the further proceedings in the Departmental enquiry. It will be open to the applicant to plead before the Disciplinary Authority ^{that} 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 ^{to} 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 ^{at appropriate stage that} 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 ~~order~~ order in the disciplinary ^{proceeding} 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


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the O.A., is dismissed as interlocutory without prejudice
to adopt ^{future} ~~for the~~ remedies.


H. RAJENDRA PRASAD
Member (A)


M.G. CHAUDHARY, J
V.C.

Date: July 15, 1996.

Dictated in open Court.


Deputy Registrar DCC

SSS.

Q.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.

9/20/7/96

I COURT

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COMPARED BY

APPROVED BY

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

