

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1348/97

DATE OF ORDER : 16-10-97.

Between :-

B.Ramakrishna

... Applicant

And

1. Head Record Officer, RMS,
AG Division, Guntakal,
Anantapur Dist.
2. Asst. Superintendent RMS & IOAG
Division, Guntakal, Anantapur
Dist.

... Respondents

— — —
Counsel for the Applicant : Shri P.Gangarami Reddy

Counsel for the Respondents : Shri V.Vinod Kumar, CGSC

— — —
CCRAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

— — —
... 2.

(Order per Hon'ble Shri B.S.Jai Parameshwary Member, (J)).

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None for the applicant. Applicant was also absent when this application was taken up for admission hearing. Heard Sri V.Vined Kumar, counsel for the respondents.

2. It appears that on 13-2-97 the Prohibition Authorities apprehended the applicant when he ~~was~~ ^{was alleged to be} in possession of 18 pints of No.1 M.C.Dowell Brandy each of 175 ml capacity in a gunny hand bag. The Excise Authorities have filed a charge sheet. In the meanwhile the Disciplinary Authority has initiated Disciplinary Proceedings against the applicant and ~~fax~~ served the charge sheet on 3-5-97.

3. The applicant submitted ^a representation to the authorities to postpone the Disciplinary Proceedings till the conclusion of Trial in the Criminal case on 7-8-97. This application is filed praying to declare the action of the respondents in proceeding with departmental enquiry simultaneously with criminal case as illegal and arbitrary and set aside the impugned order contained in Memo No. PF/BRK/EDMM/96-97 dt. 3-5-97.

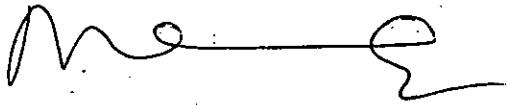
4. The Hon'ble Supreme Court in the case of State of Rajasthan Vs. B.K.Meena (AIR 1997 SC 13) laid down certain principles whether Departmental Proceedings can be stayed during Criminal trial. Their lordship ^{have} held that there is no general rule that departmental proceedings should be stayed pending Criminal Trial. However, it is for the applicant to submit ^{an} application before the Enquiry Officer along with the charge-sheet and necessary papers supplied to him by the competent court and to convince the Enquiry Officer that the charges levelled against him in the Disciplinary ^{roceedings} and charges levelled against him by the competent court are one and the same and ^{that} he would be prejudiced. It is for the Enquiry Authority to come to the conclusion ^{whether} ^{disciplinary} whether there is any justification to stay the proceedings.

Jai

5. Therefore we feel it appropriate to direct the applicant, to submit a detailed representation to the enquiry authority to stay the disciplinary proceedings till the conclusion of criminal trial. The Enquiry Authority shall consider the said representation before proceeding with the enquiry and pass a suitable order, thereon.

6. With these directions, the OA is disposed of at the admission stage itself. No order as to costs.


(B.S.JAI PARAMESHWAR)
Member (J)
16/10/97


(R.RANGARAJAN)
Member (A)

Dated: 16th October, 1997.
Dictated in Open Court.

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D. R.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : Y
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :
M (J)

Dated: 16-10-97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in

D.A.NO. 1348/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions at the
admission stage.

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

