

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.294/92
M.P.No.59/93

Dt. of order: 17.2.93

Ashok Kumar Bhardwaj : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.J.K.Kaushik : Counsel for applicant

Mr.M.Rafiq : Counsel for respondents

CORAM

Mon'ble Mr.Justice D.L.Mehta, Vice Chairman

Hon'ble Mr.B.B.Mahajan, Member (Adm.).

PER HON'BLE MR.B.B.MAHAJAN, MEMBER (ADM.).

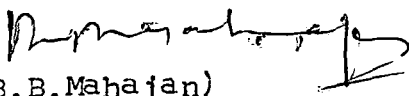
M.P.No.59/93 had been listed for hearing today.

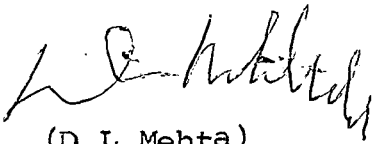
However, with the consent of the counsel for the applicant, the O.A. No.294/92 has also been taken up for hearing today although it had been listed on 28th July 1993.

2. We have heard the counsel for the parties. In the O.A, the applicant had sought for quashing of the charge sheet dated 8.3.91 (Annx.A1) on the ground that on the same charges a criminal case was pending against him. On a perusal of the record, it appears that two F.I.Rs were filed. One FIR No.18/486 registered in the City Kotwal, Alwar (Annx.A3) and the other FIR No.916/89 registered in the City Kotwali Bharatpur (Annx.A8). FIR 18/486 Annexure:A3 has admittedly since been dropped. In FIR 916/89, Annexure:A8, according to the copy of the proceedings filed by the applicant as Annexure:R/1 with the reply to the M.P, the result of investigation has not yet been filed in the Court of the Additional Munsif & Judicial Magistrate, Bharatpur. No Challan in that case has been filed so far and therefore no criminal

case can be said to be pending. In the circumstances, the plea of the applicant that the charge sheet

should be quashed because of the pendency of the criminal case is no longer valid. The O.A. is accordingly dismissed. The applicant will, however, be at liberty to file a fresh O.A. if and when a Challan is filed in the Court against him on the same facts on which the charge sheet had been issued to him on 8.3.91 and the Court takes cognizance upon it. The M.P. as well as the O.A. stand disposed of accordingly. Parties to bear their own costs.


(B.B. Mahajan)
Member (Adm.).


(D.L. Mehta)
Vice Chairman.