



**In The Central Administrative Tribunal,
Jaipur Bench, Jaipur**

OA./TA/MP. No...../199

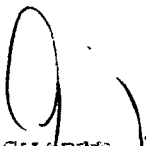
.....Versus.....


Date of Order	Orders
<p><u>28.7.79</u></p>	<p>S.K.L. Thakur, counsel for the applicant vs. B.N. Sharma, counsel for the respondent.</p> <p>The OA has been disposed of by a separate order, which has been pronounced in the open court.</p> <p> (O. P. Sharma) Administrative Member</p> <p> (D. L. Mehta) Vice-Chairman</p>

court. There is one glaring mistake which we find that relevant papers might not be available to the enquiry officer.

4. In the result, we direct the disciplinary authority to consider whether the enquiry report has been submitted in relation to the same facts or inter-linked or connected facts and if so then the applicant will be entitled to get the limited stay only upto the charges which are identical or inter-linked with the criminal case. In case ^{the} charges are not connected then the disciplinary authority can act according to law. However, it is made clear that in case the charges are separable then the disciplinary authority can pass the ^{final} order ~~only~~ in relation to the charges which are separable and which are not inter-linked or similar.

5. The OA stands disposed of accordingly, with no order as to the costs.


(G.P. SHARMA)
MEMBER (A)


(D.L. MEHTA)
VICE CHAIRMAN

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Mentioned

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 28.7.94.

OA 20/94

KRISHAN KUMAR GUPTA

...APPLICANT.

Vs.

UNION OF INDIA & ORS .

... RESPONDENTS .

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

HON'BLE MR. C.P. SHARMA, MEMBER (A).

For the Applicant

... SHRI K.L. THAWANI.

For the Respondents

... SHRI K.N. SHRIMAL.

PEP HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the parties and perused the records. Applicant has submitted that vide Annexure A-3 the Enquiry Officer rejected the prayer for staying the proceedings. Prayer has also made in the CA that the charge-sheet (Annexure A-1) and the order dated 23.2.93 (Annexure A-2) appointing the enquiry officer should be quashed. As far as this prayer is concerned, we do not find force in the same.

2. The learned counsel for the respondents submitted that in the application dated 15.12.93 no reference has been given about the decision of this Tribunal. He also submitted that mere application is not sufficient to arrive at the conclusion because it is necessary to decide whether the facts of the criminal case and the departmental proceedings are identical, similar, inter-linked or in any way connected, which may adversely affect the right of the defence which the applicant can take under Article 20 of the Constitution of India.

3. The learned counsel for the respondents has also cited before us the case of R.Rajamannar v. UOI & Ors., reported at 1993 (3) ATC 131, in which the Madras Bench of the Tribunal held that the department can, if so advised, take up enquiry on that charge which does not form part of the complaint filed before the Police. In respect of other charges it would be enough if proceedings are stayed till the framing of charge by the criminal