

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER: 03.04.2002

OA No. 126/2002

Shri Vijay Kumar Gupta son of shri Kailash Chand Gupta, aged about 40 years, resident of 19, Sethi Colony, Jaipur. Presently posted as Manager, Local Office, ESIC, Kamdhenu Complex, Jaipur.

...Applicant.

VERSUS

1. Union of India through Secretary, Labour & Employment, South Block, New Delhi.
2. Director General, ESI Corporation, Kotla Road, New Delhi.
3. Regional Director, ESI Corporation, Panchdeep Bhawan, Bhawani Singh Road, Jaipur.

...Respondents.

Mr. Hemant Gupta, Counsel for the applicant.

Mr. U.D. Sharma, Counsel for the respondents.

CORAM

Hon'ble Mr. Gopal Singh, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

Gopal Singh

ORDER

PER HON'BLE MR. GOPAL SINGH, MEMBER (ADMINISTRATIVE)

In this application under Section 19 of the Administrative Tribunal's Act, 1985, applicant has prayed for quashing the order of suspension dated 7.12.2000 (Annexure A/1) and order dated 26.12.2001 (Annexure A/2) and in the alternative deferring the disciplinary proceedings instituted against him till finalisation of the pending Criminal Trial.

2. The case of the applicant is that he is being prosecuted in a Criminal case for the same offence and witnesses and documents in the criminal case are the same as in the departmental inquiry. Therefore, he prays that departmental inquiry be deferred till Criminal case is finalised. The learned counsel for the respondents submits that departmental inquiry is in advance stage of completion. It has also been submitted by the learned counsel for the respondents that applicant is not co-operating with the departmental inquiry in as much as he has given different addresses to the Inquiry Officer. Various documents sent to him have been returned undelivered. In the circumstances, the learned counsel for the respondents has urged that the applicant be directed to co-operate in the departmental inquiry so that the enquiry can be completed expeditiously.

3. In the circumstances of the case, we consider it just and proper to direct the applicant to co-operate with the departmental Inquiry Officer so that the inquiry can be completed early. We do ^{not} ~~not~~ see any justification in deferring

(Signature)

departmental proceedings. This OA is accordingly dismissed with
no order as costs.

J.K. Kaushik
(J.K. KAUSHIK)

MEMBER (J)

Gopal Singh
(GOPAL SINGH) §

MEMBER (A)