

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

3

ORDERS OF THE BENCH

Date of Order: 20.12.2011

OA No. 650/2011

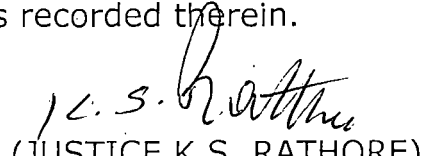
Mr. Amit Mathur, counsel for applicant.

Heard learned counsel for the applicant.

O.A. is disposed of by a separate order on the separate-sheets for the reasons recorded therein.



(ANIL KUMAR)
MEMBER (A)


(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 650/2011

DATE OF ORDER: 20.12.2011

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

G.P. Verma S/o late Shri R.S. Verma, aged around 53 years, R/o X-D/2, Charimli, Bhopal, presently working as Conservator of Forest, Government of Madhya Pradesh, Bhopal.

...Applicant

Mr. Amit Mathur, counsel for applicant.

VERSUS

The Union of India through its Secretary, Ministry of Environment and Forest, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi.

...Respondent

ORDER (ORAL)

The present Original Application is directed against the order dated 30.09.2011 (Annex. A/1) and memorandum dated 23.05.2008 (Anne. A/2).

2. The brief facts of the case are that the respondents initiated disciplinary enquiry against the applicant, and he submitted that disciplinary enquiry is based on the same set of facts and evidence against which the CBI has registered the case.

3. Learned counsel appearing for the applicant submits that the departmental enquiry will affect the defence of the applicant in




the criminal case and further prayed that to this effect the applicant has filed representations before the respondents, and also reply to the memorandum of charge-sheet, and the same have not yet been considered by the respondents. He referred the Annexure A/3, more particularly the representation dated 05.06.2009, at page 36, filed before the Director (Vigilance), Ministry of Environment and Forest, New Delhi and he has submitted that the disciplinary proceedings cannot be initiated parallel to the criminal proceedings, and the same has not been decided so far and is pending consideration with the respondents. Be that as it may, without entering into the merit of the case, since the representations filed by the applicant are still pending consideration with the respondent(s), we deem it proper to direct the respondents to consider the representations filed by the applicant by passing a reasoned and speaking order in accordance with the provisions of law.


4. Consequently, the respondents are directed to consider and decide the representations of the applicant by passing a reasoned and speaking order in accordance with the provisions of law and communicate the decision so taken on the representations / reply to the memorandum of charge-sheet to the applicant, and till the disposal of the representations, it is expected from the respondents not to proceed with the departmental enquiry and immediately after taking the decisions on the representations / reply to the memorandum of charge-sheet, they are at liberty to proceed further.



5. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to redress his grievances by way of filing the substantive Original Application.

6. With these observations and directions, the present Original Application stands disposed of with no order as to costs.


(ANIL KUMAR)
MEMBER (A)


(JUSTICE K.S. RATHORE)
MEMBER (J)

kumawat