

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO.355/2013

Date of Order: 31.5.2016

CORAM

Hon'ble Dr. K.B.Suresh, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member

Mukesh Jain Son of Shri R.K.Jain, aged around 46 years, Resident of 92/164, Shipra Path, Mansarovar, Jaipur (Rajasthan), presently working as Inspector, Central Excise, Jaipur.

..... Applicant

(By Advocate Mr. Amit Mathur)

VERSUS

1. The Chief Commissioner, Department of Excise and Customs, Statute Circle, Jaipur.
2. The Commissioner, Central Excise, NCR Building, Jaipur.

.....Respondents

(By Advocate Mr. S.S. Sharma)

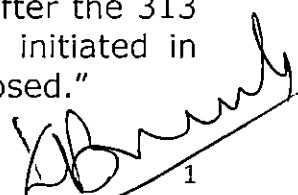
ORDER

(Per Dr. K.B. Suresh, Judicial Member)

Heard.

This is a matter similar to OA No.363/2013 decided vide order dated 30.3.2016 in which we have held that:-

".....during the pendency of the criminal case against a person, on the same set of facts and charges whether or not the DE can be initiated. Our answer will be that till the 313 question is completed, there cannot be a departmental enquiry as otherwise the right of cross examination and its effect will be diminished. However, after the 313 question is over, the departmental proceedings may be initiated in accordance with law as by then the defence is already exposed."


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In view of the above that there is a possibility that evidence might be unduly affected in the departmental proceedings, therefore, the proceedings are to be kept in abeyance till that the all the evidences are examined in the criminal trial. Therefore, we now hold that for a period of 6 months, the departmental enquiry may be kept in abeyance as by that time 313 questioning will be over. The applicant is directed to cooperate in the trial and the DE is adjourned to that extent. Therefore, the OA is disposed of with the above observations and directions. No costs.


(MS.MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER


(DR.K.B.SURESH)
JUDICIAL MEMBER

Adm/