

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 363/2013
With
MISC. APPLICATION NO. 163/2013
&
MISC. APPLICATION NO. 291/00183/2015

DATE OF ORDER: 30.03.2016

CORAM

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Chandra Prakash Sharma S/o Shri Murari Lal Sharma, aged about 57 years, R/o Plot No. 215, Madhav Nagar, behind Durgapura Railway Station, Jaipur, presently working in the office of Commissioner of Central Excise, Jaipur.

....Applicant

Mr. C.P. Sharma, counsel for applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. The Commissioner of Central Excise, Jaipur Ist, NCR Building, Statue Circle, C-Scheme, Jaipur.

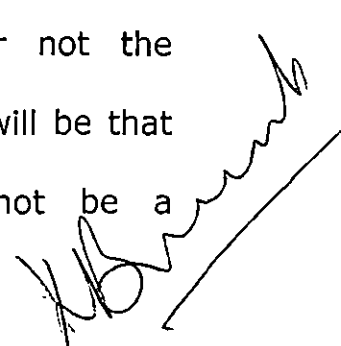
....Respondents

Mr. S. S. Sharma, counsel for respondent no. 1.
None present for respondent no. 2.

ORDER

(Per DR. K.B. SURESH, JUDICIAL MEMBER)

Heard. The matter is in a very small compass. The applicant raised an issue whether or not an Adhoc Authority is empowered to issue charge-sheet. Our answer is 'Yes'. The Adhoc Authority is empowered to issue charge sheet. The second issue is that during the pendency of the criminal case against a person, on the same set of facts and charges whether or not the departmental enquiry 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. Therefore, the Original Application is disposed of with the above observations and directions. The Misc. Applications are also disposed of. No costs.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER



(DR. K.B. SURESH)
JUDICIAL MEMBER

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