

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00046/2018

Thursday, this the 5th day of April, 2018

CORAM:

Hon'ble Dr. K.B. Suresh, Judicial Member
Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

N. Krishnankutty Nair, aged 67 years,
 S/o. K. Narayana Pillai, retired Manager/Military Farm,
 Secunderabad, Residing at : Krishna, TC 36/4166,
 Vallakadavu, PO Trivandrum – 695 008. **Applicant**

(By Advocate : Mr. T.C. Govindaswamy)

V e r s u s

1. Union of India, represented by the Secretary to the Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Quartermaster General, The Quartermaster General's Branch, Integrated Headquarters of Ministry of Defence (Army), Sena Bhavan, New Delhi – 110 011.
3. The Deputy Director General of Military Farms, The Quartermaster General's Branch, West Block No. III, R.K. Puram, New Delhi – 110 066. **Respondents**

(By Advocate : Mr. P.R. Sreejith, ACGSC)

This application having been heard on 05.04.2018, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Hon'ble Dr. K.B. Suresh, Judicial Member –

Heard the learned counsel appearing for the parties.

2. There is no question of fact involved in this matter. The only question of law is that under Article 20(3) of the Constitution of India there cannot

be double jeopardy. The question is not whether an accused person is guilty or not. The question is that he is innocent until proven guilty and it goes to the end of the line when the Hon'ble apex court is able to say with a certainty that whether he is guilty or not. Till then the presumption in his favour stands. That being so and because of the interconnection between the two cases as stipulated by the learned counsel for the respondents, if a disciplinary action is to be postulated against the applicant at this juncture it will destroy and compromise his right of defence in the criminal trial which is now pending and in the criminal appeal which is now pending. That cannot be so.

3. Therefore, we hereby give mandate to the respondents not to proceed with the disciplinary proceedings till after the completion of the trial now in process and the criminal appeal now in process. The Original Application is disposed of as above. There shall be no order as to costs.

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(DR. K.B. SURESH)
JUDICIAL MEMBER

“SA”

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APPLICANT'S ANNEXURES

Annexure A1 – True copy of the show cause notice bearing No. 5(3)/2016-D(Lab) dated 22.12.2017 issued from the office of the 1st respondent and communicated by the 3rd respondent as per letter No. 86629/SC/06/Q/MF-1 dated 4.1.2018.

Annexure A2 – True copy of judgment in CC No. 4/2006 dated 31.10.2015 rendered by the Court of Special Judge (SPE/CBI), Ernakulam.

Annexure A3 – True copy of order dated 26.11.2015 in Criminal Appeal No. 1194/2015 of the Hon'ble High Court of Kerala.

Annexure A4 – True copy of Show cause notice bearing No. 86629/SC/06/Q/MF-1 dated 11.8.2016 issued from the office of the 2nd respondent.

Annexure A5 – True copy of detailed reply dated 26.8.2016, submitted by the applicant before the 2nd respondent.

Annexure A6 – True copy of the letter bearing No. PF/NKK Nair dated 6.12.2017 issued from the officer-in-charge of the Military Farm, Secunderabad.

Annexure A7 – True copy of letter dated 19.12.2017 submitted by the applicant in response to Annexure A6.

Annexure A8 – True copy of the judgment of the Hon'ble High Court of Karnataka in WP No. 5938 of 2004 (S-CAT) dated 23.9.2004.

RESPONDENTS' ANNEXURES

Nil

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