

OA.No.170/00071/2017/CAT/Bangalore Bench
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00071/2017

DATED THIS THE 10th DAY OF AUGUST, 2018

HON'BLE DR.K.B. SURESH, MEMBER (J)
HON'BLE SHRI DINESH SHARMA, MEMBER (A)

Thomas P P
 Superintendent
 Regional Passport Office, 80 Ft Road
 8th Block, Koramangala
 Bangalore-560095.
 R/a Residing at RAA 404
 Purva Riviera Apartments
 Whitefield Road, Spice Garden
 marathahalli
 Bangalore-560037.

... Applicant

(By Advocate Sri R.Ganesh Kumar)

Vs.

1. Union of India represented by
 the Additional Secretary (CPV & OIA)
 Ministry of External Affairs, CPV Division
 (Vigilance Unit II)
 Patiala House Annexe, Tilak Marg
 New Delhi-110 001.
2. The Joint Secretary & Chief Passport Officer
 CPV Division
 Ministry of External Affairs
 Patiala House Annexe, Tilak Marg
 New Delhi-110 001. ...Respondents

(By Advocate Shri N.Amaresh)

ORDER (ORAL)

(PER HON'BLE DR.K.B.SURESH, MEMBER (J))

Heard. The issue is very small. The only thing is that can a criminal trial will be preceded by a departmental inquiry as under Article 23 a man cannot self-implicate himself. If the defence is disclosed earlier, it will have a same effect

of self-implication. As when the defence is foreclosed then the criminal trial will suffer.

2. The penalty to be served in a criminal trial is much more in content and efficacy than in a departmental inquiry. Therefore, the rights of an accused in criminal trial are more sacrosanct than the rights of department proceeded under departmental enquiry. Therefore, without any doubt both cannot go hand in hand violating the rights of an accused. Both the parties agreed that the issue involved the department and witnesses to be examined are one and the same. That being so, there will be mandate to the respondents to await the process of Criminal Trial Court up to the level of completion of 313 statement. When 313 statement is over, the applicant will inform the respondents of it and within one week the inquiry is allowed to continue at the stage where it is now. All the other required processes before the commencing of the inquiry may be completed at the discretion of the respondents as it is now. But the actual inquiry may not commence until and after the 313 examination of the criminal trial is over. The next day onwards a right accrues to the respondents to commence the departmental inquiry and the applicant will cooperate to the Nth degree. This statement of Learned Counsel for the applicant is recorded.
3. The OA is disposed of. No costs.

(DINESH SHARMA)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER (J)

/ps/

Annexures referred to by the applicant in OA.No.170/00071/2017

Annexure-A1: Copy of the Charge Sheet in Spl CC No.498 of 2015
Annexure-A2: Memorandum dtd: 07.04.2016

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Annexure-A3: Statement of Defence dtd: Nil, sent on 29.04.2016

Annexure-A4: Order dtd.19.08.2016 passed by Respondent No.1

Annexure-A5: Letter dtd:10.10.2016 by the applicant

Annexure-A6: Communication dtd:06.12.2016 by the respondent No.1

Annexures with reply statement:

-NIL-

Annexures with rejoinder:

-NIL-
