

**CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH, CUTTACK,
ORDER SHEET**

COURT NO. : 113/05/2019O.A./260/207/2019B K JAYASINGH

-V/S-

D/O POST ITEM NO:5FOR APPLICANTS(S) Adv. :Mr. S.K. Ojha

FOR RESPONDENTS(S) Adv.:Mr. B. Swain

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the applicant and respondents.</p> <p>In spite of order dated 26.03.2019, no order has been passed by the Disciplinary Authority as to whether the disciplinary proceeding should continue while the criminal proceeding is pending against the applicant. Mr. B. Swain, Ld. Counsel for the respondents submits that necessary direction may be given to the departmental authorities to pass appropriate order in this regard.</p> <p>After perusal of the order dated 27.02.19 (Annexure-A/4) it is seen that detailed speaking order has not been passed by the Respondent No.4 on the plea taken by the applicant that departmental proceeding cannot continue while the criminal case is on the self same charge is pending against him. Therefore, the said letter dated 27.02.19 and the reason assigned being cryptic and having not met all the points as urged by the applicant, it is necessary that Respondent No.4 should apply his mind after going through all the documents in accordance with law.</p> <p>After hearing Ld. Counsels for both the sides, this Tribunal is of the opinion that Respondent No.4 should be directed to take a decision as to whether the departmental proceeding should continue against the applicant when the criminal case on the self</p>

same charge is pending against him. Accordingly it is ordered. Applicant is at liberty to produce the relevant documents before respondent No.4 with a fresh representation, who shall take those points into consideration and pass a reasoned and speaking order by disposing of the representation of the applicant.

Accordingly, the O.A. is disposed of without expressing any opinion on merit. Applicant is at liberty to send a copy of the O.A. along with the fresh representation with a copy of the relevant documents to the Respondent No.4 within 10 days from the date of receipt of copy of this order. Thereafter, Respondent No.4 will issue the speaking order as above within four weeks thereafter to dispose of the fresh representation to be submitted by the applicant as above. Till passing of such speaking order, no further steps shall be taken in the departmental proceedings initiated against the applicant. It is made clear that if no representation is submitted within time as specified above, the respondents will be at liberty to proceed with the departmental proceedings as per law.

(SWARUP KUMAR MISHRA) MEMBER (J)	(GOKUL CHANDRA PATI) MEMBER (A)
--------------------------------------	-------------------------------------

kb