

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1642/2018

Dated Monday, the 17th day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

R.Ramalingam,
S/o.T.Ramasamy, No.6/11, Alagapuram,
Mittapudur, Ramankuttai Salai,
Salem 636 016.

...Applicant

By Advocate M/s V.Vijay Shankar

Vs.

1.The Union of India,
Rep., by the Secretary to Government,
Ministry of Defence, New Delhi 110 011.

2. The Engineering in Chief (Branch),
Integrated HQ of MOD (Army), Kasmir House,
Rajaji Marg, New Delhi 110 011.

3.The Chief Engineer (Air Force),
Military Engineering Service, No.2 DC Area,
MES Road, Yeswanthpur PO, Bangalore 560 022.

4.The Chief Engineer, Chennai Zone,
Island Grounds, Chennai 600 009.

...Respondents

By Advocate Mr.Su.Srinivasan

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“(i)To direct the respondents to keep in abeyance the departmental proceedings initiated against the applicant vide charge memo dated 28.11.2016 till the outcome of the criminal case before the IInd Additional District Judge, (CBI Cases) Coimbatore in C.C.No.1/2016 and pass such other order or orders as may be deemed fit and thus render justice.”

2. It is submitted that the applicant has been issued with Annexure A-2 charge memo dated 28.11.2016 just two days before his date of superannuation, accusing him of certain acts of omission which allegedly benefited certain persons unduly. It is stated that the CBI had filed a charge sheet against the applicant on identical charges and the matter was before the criminal court concerned. The applicant accordingly replied to the charge memorandum by Annexure A-3 letter dated 24.10.2018 with a submission that the charge sheet in CC No.1/2016 before the IInd Additional District Judge (CBI Cases) Coimbatore was pending and the applicant is already facing trial. The witnesses to be examined in both departmental and criminal proceedings were one and the same and in such circumstances if the parallel departmental proceedings were allowed to be conducted, it would compromise his defence in the criminal case.

3. In spite of the above, the applicant received a notice for appearance before the inquiry officer from which it appeared that the applicant's reply was not considered before taking a decision to appoint the inquiry officer. Nor was the applicant supplied with a copy of such decision. In such circumstances, the applicant would be satisfied if the respondents are

directed to consider his reply and pass a reasoned and speaking order on whether the enquiry needed to be proceeded with

4. Mr.Su.Srinivasan takes notice on behalf of the respondents.

5. In view of the limited prayer and without going into the substantive merits of the case, I deem it appropriate to direct the respondents to consider the reply submitted by the applicant dated 24.10.2018 and pass a reasoned and speaking order within a period of four weeks from the date of receipt of a copy of this order. Proceedings before the inquiry officer shall be kept in abeyance till then.

6. OA is disposed of in the above terms.

(R.RAMANUJAM)
MEMBER (A)

M.T.

17.12.2018 .