

**Central Administrative Tribunal
Principal Bench**

OA No.858/2019

New Delhi, this the 14th day of March, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Rajender Singh Waldia
Aged 59 years,
Group 'B',
S/o Late G. S. Waldia
Working as Senior Section Officer (Accounts)
Northern Railway, Muradabad,
R/o H. No.111, Patel Nagar (Chander Nagar)
Muradabad (U.P.). Applicant.

(By Advocate : Shri Yogesh Sharma)

Vs.

1. Union of India
Through General Manager
Northern Railway, Baroda House,
New Delhi.
2. The FA & CAO
Northern Railway, Baroda House,
New Delhi.
3. The Senior Divisional Finance Manager
Northern Railway, Muradabad.
4. The Inquiry Officer
Through the General Manager
Northern Railway, Baroda House,
New Delhi. Respondents.

(By Advocate : Shri Krishna Kant Sharma)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The CBI conducted a trap against Dr. Pankaj Kumar working in the Northern Railway, on 23.08.2016. On the basis of the same, FIR No. RC1202016A0010 was registered against him. At a subsequent stage, the name of the applicant herein was included in the FIR alleging that he was responsible for accepting the illegal gratification from one Mr. Umesh Chandra on the direction and in conspiracy with Dr. Pankaj Kumar.

2. The Disciplinary Authority issued a charge memo dated 04.10.2017 against Dr. Pankaj Kumar. The applicant herein was issued a charge memo on 28.06.2018 by making allegations referable to the trap. This O.A. is filed with a prayer to direct the respondents to defer the disciplinary proceedings initiated against him till the criminal proceedings are concluded, or for a period of two years, whichever is earlier. Reference is made to an order dated 26.11.2018 passed in OA No.3139/2018 filed by Dr. Pankaj Kumar.

3. We heard Shri Yogesh Sharma, learned counsel for the applicant and Shri Krishna Kant Sharma, learned counsel for the respondents at the admission stage.

4. The trap that was organized by CBI on 23.08.2016 resulted in filing of a criminal case against Dr. Pankaj Kumar. At a later stage, the name of the applicant herein was included in the FIR alleging that he colluded with Dr. Pankaj Kumar.

5. Respondents initiated disciplinary proceedings against Dr. Pankaj Kumar as well as the applicant herein on different dates. OA No.3139/2018 was filed by Dr. Pankaj Kumar stating that in case the disciplinary proceedings were conducted even while the criminal case is pending, he would be subjected to serious prejudice. After hearing both the parties, and taking into account the judgment of the Hon'ble Supreme Court in **Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd. and Another** (1999) 3 SCC 679, this Tribunal disposed of the OA directing that the disciplinary proceedings shall be deferred till the criminal proceedings are concluded or for a period of two years, whichever is earlier. The case of the applicant herein stands on the same, if not on a better footing, compared to the one, in the said OA.

6. We, therefore, dispose of the OA directing that the disciplinary proceedings initiated against the applicant through Memorandum dated 28.06.2018 shall be deferred till the criminal proceedings initiated against him are

concluded or for a period of two years, whichever is earlier.
There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/