

**CENTRAL ADMINISTRATIVE TRIBUNAL
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item no.: 14
O.A./616/2023 (DELHI)
[DISCIPLINARY PROCEEDING]
Court No.: 2

No of Adjournment: 1

Order Dated: 15/03/2023

**SAURABH SINGH
Vs
REVENUE**

For Applicant(s) Advocate : Mr. Surinder Kumar Gupta

For Respondent(s) Advocate : Mr. H.K. Gangwani

Order of The Tribunal

Today the matter is listed after notice for consideration on applicant's prayer for grant of interim relief in terms of para 9 of the OA.

Learned counsel for the respondents submits that as the respondents are situated at various places in Delhi and outside Delhi, he has not been able to take effective instructions and file reply/short reply. He seeks further three weeks' time to file counter reply.

On the other hand, Mr. S.K. Gupta, learned counsel for the applicants prays for grant of interim relief. He submits that subsequent to filing of the OA the respondents have gone ahead with the departmental inquiry initiated pursuant to the impugned

charge memo dated 14.06.2022 (Annexure A/5 (colly)) (wrongly typed as 24.06.2022 in para 8 of the OA). He adds that the Inquiry Officer has scheduled the hearing for today i.e. 15.03.2023 in the departmental proceedings.

In the present OA, the applicants have challenged the communication dated 23.01.2023 whereby the request of the applicants to defer the hearing in the departmental proceedings till the pendency of the criminal case has been rejected.

Learned counsel for the applicants argued that the allegation against the applicants in case FIR No. RC1202022A0008 dated 24.06.2022 and those in the departmental proceeding initiated pursuant to the charge memo dated 14.06.2022 are common. He further submits that the list of witnesses and the list of documents in the criminal proceeding pursuant to said FIR and departmental proceeding pursuant to the memorandum dated 14.06.2022 are also common.

He further submits that the question of facts and law involved in the said criminal case are complicated and in such facts and circumstances, keeping in view the law laid down by the Hon'ble Apex Court in **Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd. & Anr**, reported in AIR 1999 SC 1416, the stay of the departmental proceedings atleast at this stage is desirable.

Mr. S. K. Gupta, learned counsel for the applicants further adds that in an identical facts and circumstances, this Tribunal in OA Nos.2206/2022 and 2926/2022 has granted interim protection as has been sought by these applicants in the present OA.

In the facts and circumstances, as an interim measure, respondents are restrained to proceed in the departmental proceedings initiated pursuant to impugned charge memo dated 14.06.2022 (Annexure A/5 (colly)) till the next date of hearing.

Mr. Gangwani, learned counsel for the respondents seeks and is allowed three weeks' time to file reply. Rejoinder, if any, may be filed within two weeks thereafter. However, it is provided that the respondents shall be at liberty to approach this Tribunal for vacation/modification of the interim order, if so required, however, after filing of the counter reply and through an appropriate application.

List for further consideration on 27.04.2023.

Sanjeeva Kumar
Member (A)

R. N. Singh
Member (J)