

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE MRS JUSTICE ANIS

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WRIT PETITION No.15801 OF 2015

ORDER:- (per Hon'ble Sri Justice K.C.Bhanu)

This writ petition is filed challenging the interim order, dated 18.12.2014, in O.A.No.021/01439 of 2014 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, "the Tribunal").

2. Petitioner herein/applicant filed the aforementioned Original Application before the Tribunal to direct respondent Nos.1 to 4 herein not to go ahead with the inquiry in respect of the charges vide Memo No.F4-1/13-14, dated 20.11.2014, till the final outcome of the trial in C.C.Nos.28 of 2014, 29 of 2014 and 711 of 2014 before the Court of the Judicial First Class Magistrate at Bhodan. As an interim relief, the applicant also prayed to direct respondent No.4 herein not to act upon the charge sheet vide Memo, dated 20.11.2014, pending final disposal of the aforementioned Original Application.

3. The Tribunal, upon considering the material on record, rejected to grant the interim prayer of the applicant. Aggrieved thereby, the applicant filed the present writ petition.

4. Learned counsel for the petitioner/applicant contended that the witnesses to be examined in both the criminal prosecution and the departmental proceedings are one and the same and therefore, he prays to direct respondent No.4 not to act upon the charge sheet vide Memo, dated 20.11.2014.

5. There cannot be any dispute that the burden of proof in a criminal case and a departmental enquiry is entirely different and distinct. In a criminal case, what is required is proof beyond reasonable doubt whereas in the departmental proceedings, the department has to prove its case by preponderance of probability. Unless it is shown that the evidence to be let in and the witnesses to be examined are one and the same, ordinarily, the departmental proceedings cannot be stayed. Except alleging that the evidence and the witnesses to be examined in both the criminal prosecution and the departmental enquiry are one and the same, no other material is filed by the petitioner to show that the evidence, documents and the charges in both the proceedings are one and the same. Therefore, the Tribunal rightly rejected to grant the interim relief sought for by the applicant and hence, that order needs no interference of this Court.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

JUSTICE K.C.BHANU

JUSTICE ANIS

Date: 08.06.2015
AMD

THE HON'BLE SRI JUSTICE K.C.BHANU
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