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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Judgment: 08th March, 2017

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W.P. (C) 6093/2002 & C.M. No.10391/2012

UNION OF INDIA & ANR.

..... Petitioners

Through Mr.Ripu Daman Bhardwaj, CGSC
with Mr.T.P. Singh and Mr.Sahaj
Garg, Advs.

versus

CENTRAL ADMINISTRATIVE TRIBUNAL AND ANRRespondents

Through None

CORAM:

**HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE VINOD GOEL**

G.S.SISTANI, J. (ORAL)

1. Challenge in this writ petition is to the order dated 28th September, 2001 passed by the Central Administrative Tribunal (hereinafter referred to as the 'Tribunal').
2. Rule DB was issued in this matter on 24th September, 2002.
3. The necessary facts to be noticed for disposal of this writ petition are that respondent No.2 (applicant before the Tribunal) had approached the Tribunal assailing the order dated 12th October, 1999 whereby his representation to stay the departmental inquiry during the pendency of the criminal proceedings was rejected. Respondent No.2

had urged before the Tribunal that the departmental proceedings and the criminal proceedings had arisen from the same set of facts and identical evidence was to be led and thus, the departmental proceedings should be stayed till the finalisation of the criminal proceedings.

4. The petitioners (respondents before the Tribunal) had strongly urged before the Tribunal that respondent No.2 had committed an unbecoming conduct by indulging in fraudulent payment of bogus money-orders thereby causing a loss of public money. On the basis of preliminary inquiry and on being found involved in the fraudulent action, respondent No.2 was proceeded against under Rule 14 of the CCS (CCA) Rules. Additionally, criminal proceedings were also initiated against him. Besides, respondent No.2 was suspended and was being granted subsistence allowance. The petitioners had also urged before the Tribunal that there was no bar on initiating departmental proceedings on the same set of charges in which criminal proceedings were pending.
5. The Tribunal while relying on ***Capt. M. Paul Anthony v. Bharat Gold Mines Ltd. and Anr.***, (1999) 3 SCC 679 allowed the OA and stayed the departmental proceedings till the conclusion of the criminal case. Para 22 of the said judgment reads as under: -

“22. The conclusion which are deducible from various decisions of this Court referred to above are: -

(i) *x x x*

(ii) If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.

x x x''

6. Today, we are informed by the learned counsel for the petitioners that the present writ petition has, in fact, become infructuous, as the criminal proceedings have come to an end and respondent No.2 has been convicted and consequent thereto, an order of dismissal has been passed under Rule 19 (i) of the CCS (Classification, Control and Appeal) Rules, 1965.
7. In view of the fact that respondent No.2 has been convicted and the order of his dismissal has been passed, the present writ petition has become infructuous and the same is accordingly dismissed.
8. Pending application also stands disposed of.

G. S. SISTANI, J.

VINOD GOEL, J.

MARCH 08, 2017

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