

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

AND

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.9236 of 2018

ORDER: (Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioners have challenged the order dated 21.09.2017 passed in O.A.No.718 of 2017 by the Andhra Pradesh Administrative Tribunal, whereby the application under Section 19 of the Administrative Tribunals Act, 1985 (for short 'the Act') filed by the petitioners challenging the proceedings dated 18.4.2013, has been allowed.

The petitioners filed the present petition on the ground that the departmental enquiry and the criminal trial may go on simultaneously, and they relied upon the case in Civil Appeal No.10766 of 2013 in *Management of Bharat Heavy Electricals Limited vs. M.Mani*.

On perusal of the impugned order, We note that while relying upon the judgment of the Apex Court in *S.Bhaskar Reddy vs. Superintendent of Police*¹ and *M.Paul Anthony vs. Bharat Gold Mines Limited*² and also *G.M.Tank vs. State of Gurajat and another*³, the learned Tribunal opined that the

¹ 2015(2) SCC 365

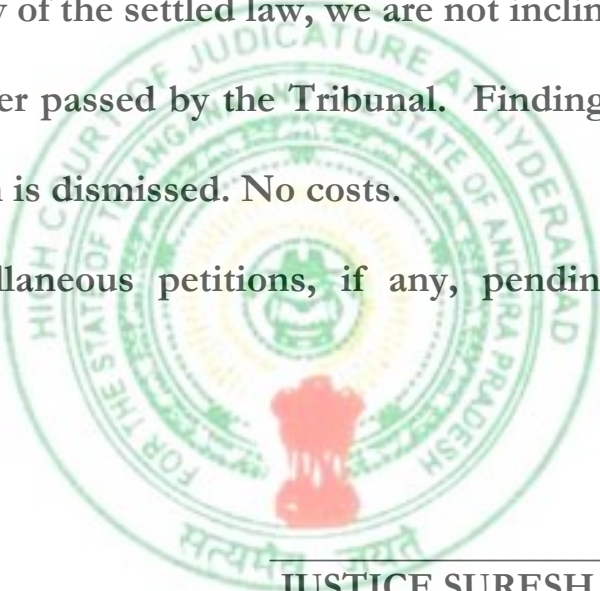
² 1999 (3) SCC 679

³ (2006) 3 CTC 494

departmental enquiry and the criminal trial cannot be proceeded simultaneously, and consequently, directed the respondents (in O.A.No.718 of 2017) not to proceed with departmental enquiry in pursuance of the Charge Memo No.A5/6739/2010, dated 18.4.2013 against the respondent-applicant. It is clarified that after criminal case is finalized, the respondent-applicant may proceed with all the departmental proceedings.

In view of the settled law, we are not inclined to interfere with the order passed by the Tribunal. Finding no merit, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE SURESH KUMAR KAIT

JUSTICE ABHINAND KUMAR SHAVILI

14th June, 2018
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