

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

AND

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.21278 of 2017

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

Vide the present petition, the petitioner has challenged the order dated 20.02.2017 passed in O.A.No.64 of 2017, whereby interim relief sought by the petitioner has been denied.

The petitioner joined in the Central Excise Department as Inspector in the year 1994 and thereafter, he was promoted as Superintendent in the year 2002. On a written complaint given by one Ajay Kumar Kuradia on 25.6.2014 by making allegation that the petitioner demanded illegal gratification of Rs.15,000/- for accepting the surrender application of service tax registration in respect of M/s.SVNS Foods Private Limited, CBI registered a case *vide* RC 11(A)/2014-CBI, dated 25.6.2014 against the petitioner for the offence under Section 7 of Prevention of Corruption Act and the same is pending before the concerned Court. Meanwhile, on 19.7.2016, the respondent appointed enquiry authority to conduct enquiry into the charges framed against the petitioner and further issued letter dated 3.1.2017 directing the petitioner to appear before the enquiring authority. Being aggrieved, he filed the

application before the Tribunal stating therein that the witnesses in criminal case and departmental enquiry are the same and till the witnesses are examined in the criminal case, the departmental enquiry should not be proceeded further. The learned Tribunal has dismissed the application by recording that there is uncertainty of the trial, the departmental enquiry cannot be stayed as it would be concluded on different set of principle.

After hearing the learned counsel appearing for the parties, without commenting on the merits of the case, We hereby allow the present petition by staying the charge memo No.C.No.II/10-A/02/2015-CIU, dated 19.7.2016. However, this order shall remain in force till the adjudication of O.A.No.64 of 2017. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE SURESH KUMAR KAIT

JUSTICE ABHINAND KUMAR SHAVILI

19th June, 2018
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