

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.No.232/2001

Tuesday, this the 30th day of January, 2001

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

Mohinder Singh Nijjar,  
SI No.D/86 (Min.)  
I/C Welfare Branch,  
Office of DCP/PCR, Delhi ..Applicant.  
(By Advocate: Mrs. Avnish Ahlawat)

VERSUS

1. Govt. of NCT of Delhi  
Through Commissioner of Police,  
Police Headquarters, I.P.Estate,  
New Delhi.
2. Shri Kishan Kumar,  
Dy. Commissioner of Police,  
Special Branch,  
PHQ, I.P.Estate, MSO Building,  
New Delhi.
3. The Dy. Commissioner of Police,  
(DE Cell), through K.S.Dalal,  
ACP/DE, D.E. Cell, P.S.,  
Defence Colony,  
New Delhi.
4. Dy. Commissioner of Police (PCR)  
MSO Building, I.P.Estate,  
New Delhi. ..Respondents.

O R D E R (ORAL)

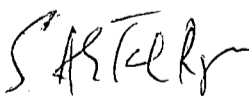
Hon'ble Shri Justice Ashok Agarwal:-

In respect of an incident which had taken place in May, 1995, a preliminary enquiry was held which disclosed also the commission of an offence. A criminal complaint was accordingly lodged by the complainant in August/September, 1998. Based on the findings of the preliminary enquiry, disciplinary proceedings were initiated against the applicant on 22.5.2000. Aforesaid disciplinary proceedings were conducted by the enquiry officer who in turn has found the charges framed against ~~the applicant~~ proved. A report of the enquiry officer has been served by the disciplinary authority on the

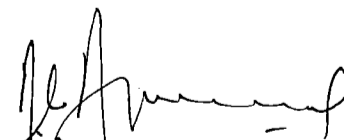
applicant who in turn has submitted his representation against the same. At this stage, an offence has been registered against the applicant on 30.11.2000. Present OA is filed at this stage whereby a challenge is raised to the conduct of the disciplinary proceedings in view of the criminal prosecution <sup>lodged</sup> ~~alleged~~ against him.

2. In our judgement, no interference is called for at least at the present stage especially in view of the fact that the entire enquiry before the enquiry officer is complete and the proceedings are now pending before the disciplinary authority. We further find that it will not be open to the applicant based on the provisions of Rule 15 (ii) of the Delhi Police (Punishment & Appeal) Rules, 1980 to challenge the conduct of the disciplinary proceedings at <sup>this</sup> ~~any~~ point of time. He could have challenged the same when the proceedings had been initiated. The same, therefore, cannot be entertained merely because an offence has <sup>now</sup> ~~thereafter~~ been registered on 30.11.2000. Since the enquiry is complete, there can survive no prejudice in the conduct of the criminal trial on account of the applicant being required to disclose his defence in the disciplinary proceedings which stage in the present case is already over. As already stated, we do not find that it is a fit case for interference in the peculiar facts and circumstances of the present case.

3. Present OA is summarily rejected in the aforestated terms. No costs.

  
(S.A.T. Rizvi)  
Member (A)

/sunil/

  
(Ashok Agarwal)  
Chairman