

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 314/2001

New Delhi this the 12th day of February, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

H.C. Kishan singh No.178/SW
(Under suspension) PIS No.28740272,
R/O Vill. & P.O. Jawan,
P.S. Chhaisa, Teh. Ballabhgarh,
Distt. Faridabad (Haryana).

... Applicant

(By Shri Jitender Sharma, Advocate)

-versus-

1. The State (NCT of Delhi)
through Lt. Governor,
L.G.House, Delhi.
2. Commissioner of Police,
Police Headquarters, I.P.Estate,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal:-

By the present OA, applicant claims stay of disciplinary proceedings pending a criminal trial which has been launched against him on the same set of facts. The disciplinary proceedings contain the following statement of allegations :

"It is alleged against HC Kishan singh No.178/SW that while he was posted at P.S.Dabri (P.P.Mangla Puri), one Deepak Aggarwal S/o Sh. Suresh Chand R/o RZ F-2/87, aged 14 yrs, reported that he is working at Meghdut Traders, Ram Bazar, Kashmiri Gate, Delhi as a helper. On 28-6-2000 at about 10.00 PM, he was going at his home. When he reached in front of Police Post Mangla Puri and crossing the grill, a person who was under influence of Liquor, caught him and taken him in P.P. The said person asked him to sit in the room behind P.P. When he sat in the room, he bolted the door from outside. At about 11.30 PM he again came back in the room and bitten him up with plastic pipe, slapped and took out his purse containing Rs.20/- and Railway pass. apart from this,

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he also took out pencil, comb, telephone diary and handkerchief. The telephone diary was torn and thrown and asked him to bring some money and come in the morning and taken the article back. At that time, one boy named Bahadur was also present. The boy told him that the name of the said person is Kishan Singh. After he (Deepak) went away at his home. After that he alongwith his brother-in-law came at P.P. Mangla Puri where neither Bahadur nor Kishan Singh was present. On the statement of Sh. Deepak Aggarwal case FIR No.588/2000 dt. 29.6.2000 U/s 341/342/323/384 IPC P.S.Dabri was registered against HC Kishan Singh No.178/SW."

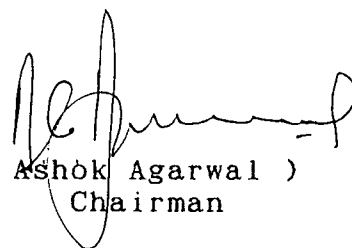
2. Aforesaid misconduct alleged is in respect of a single incident which is supposed to have taken place at a police post. Apart from the complainant himself there is a witness by name Bahadur who was also present at the site of incident.

3. We have considered the aforesaid allegations and we have also heard Shri Jitender Sharma, the learned advocate appearing in support of the OA. We do not find that this is a fit case for stay of the disciplinary proceedings pending the criminal trial. In our view, no prejudice is likely to be caused even if the disciplinary proceedings are permitted to proceed pending the criminal trial.

4. In the circumstances, present OA is summarily dismissed.



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



(Ashok Agarwal)
Chairman

/as/