

Central Administrative Tribunal
Principal Bench

O.A. No. 63 of 2001

(7)

New Delhi, dated this the 18th September, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

SI Jorawar Singh,
S/o Shri B.S. Yadav,
R/o Qr. No. 326, Police Colony,
Ashok Vihar,
New Delhi. .. Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. NCT of Delhi through
the Chief Secretary,
Delhi.
2. The Commissioner of Police,
Delhi Police Headquarters,
I.P. Estate, New Delhi.
3. The Dy. Commissioner of Police,
Crime and Railways,
Delhi. .. Respondents

(By Advocate: Shri R.K. Singh proxy
counsel for Shri A.K. Chopra)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant prays that the Disciplinary
Proceedings initiated against him vide Respondents'
order dated 21.12.2000 (Ann. A-1) be kept in
abeyance till the disposal of the criminal case
registered against him vide FIR No. 49/99 in AC
Branch.

2. Heard both sides.

3. Applicant in Para 4.4 of his O.A. has
stated that the criminal case registered against him
and the Disciplinary Proceedings initiated against

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him vide order dated 21.12.2000 are grounded on the same set of facts.

4. These assertions of applicant are not denied by respondents in the corresponding paragraph of their reply in the O.A.

5. The Hon'ble Supreme Court's in their judgment dated 30.3.99 in SLP No. 1906/99 Capt. M. Paul Antony Vs. Bharat Gold Mines Ltd: and Anr. have held that if the D.E. and criminal case are based on similar set of facts against the delinquent employee it would be desirable to stay the D.E. proceedings till the conclusion of the criminal proceedings. In the light of the Hon'ble Supreme Court's above ruling, respondents themselves have issued circular dated 31.6.99 (copy taken on record) for meticulous compliance.

6. With reference to Para II of the aforesaid circular respondents' counsel has stated during hearing that relevant documents have already been made available to the E.O. for serving the same on applicant to facilitate the departmental enquiry but in our view that by itself is not sufficient justification to proceed with D.E. when a criminal case on the same set of facts is pending against him.

7. This O.A. is, therefore, disposed of

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with a direction to respondents to keep the disciplinary proceedings initiated against applicant vide impugned order dated 21.12.2000 in abeyance till the disposal of the criminal case against him. However, if the disposal of the aforesaid criminal case takes ^a long time, it will be open to respondents to seek the Tribunal's permission to proceed with the disciplinary proceedings initiated against him vide order dated 21.12.2000. No costs.



(Dr. A. Vedavalli)
Member (J)


(S.R. Adige)
Vice Chairman (A)

karthik