

Central Administrative Tribunal  
Principal Bench

O.A.No.691/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 30th day of July, 1999

In the matter of :-

Shri Gyan Chand (H.C.No.400/N)  
(PIS No.28730342)  
S/o Shri Kharak Singh  
R/o Village & Post Office Samapur  
Delhi - 110 094

.....Applicant

(By Advocate: Shri M.L. Chawla)

Versus

1. Lt. Governor  
Through Chief Secretary  
Old Secretariat, Delhi
2. The Commissioner of Police  
Police Headquarters, I.T.O.  
Indraprastha Estate  
New Delhi - 110 002
3. The Addl. Deputy Commissioner of Police  
North District, Delhi        ....Respondents

(By Advocate: Shri Anil Singhal, proxy of Shri Arun Bhardwaj)

O R D E R (ORAL)

By Ready, J.

Heard the counsel for the applicant and the respondents.

2. The applicant is a Head Constable in Delhi Police. A case was registered against him under Sections 394/34 IPC. A departmental enquiry was <sup>simultaneously</sup> initiated against him. He filed the present OA to direct to suspend the enquiry pending the criminal case. By its order dated 26.3.99, the Tribunal has passed an interim order directing the respondents not to compel the applicant to cross-examine the departmental witnesses as it would disclose his defence.

VRB

in the criminal case. If he is compelled to disclose his defence in departmental proceedings case, it will prejudice his defence in the criminal case.

3. The issue is no longer res-integra in view of the judgment of the Supreme Court in State of Rajasthan Vs. B.K. Meena and others, JT 1996(8) SC 684 wherein it has been held that the ~~case~~ <sup>enquiry</sup> can only be stayed if the case is of grave nature and where complicated questions of law arise. It is not stated that any such questions arise in this case. If the applicant is permitted not to cross-examine the witnesses it would be indirectly staying the enquiry. Interim order is accordingly vacated.

4. Since nothing survives in the OA, the OA itself is disposed of.

*Rkaha*  
(R.K. AHOJA)  
MEMBER(A)

*Unsignable*  
(V. RAJAGOPALA REDDY)  
VICE CHAIRMAN(J)

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