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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1191/98

New Delhi, this the *10th* day of March, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

1. H.C. Ravinder Singh Rawar
S/o Shri T.S. Rawat,
R/o M-17-A, Meteorological Compound,
Lodhi Road,
New Delhi.
2. H.C. Harish Chander
S/o Late Shri A.D. Sharma,
R/o 42, Village Kilokri,
New Delhi. Applicants
(By Advocate: Mrs. Meera Chhibber)

Vs.

1. Union of India through
Commissioner of Police,
PHQ, M.S.O. Building,
I.P. Estate,
New Delhi.
2. Dy. Commissioner of Police,
PHQ, M.S.O. Building,
I.P. Estate,
New Delhi. Respondents
(By Advocate: Sh. Raj Singh)

O R D E R

delivered by Hon'ble Shri T.N. Bhat, Member (J)

The applicants, both of them working as Head Constables in Delhi Police, are aggrieved by the order dated 22.5.98 whereby their disciplinary authority has decided to continue and proceed further in the departmental enquiry against the applicants. The ground agitated by the applicants is that the departmental enquiry is based upon the same set of the facts on which a criminal case is pending against the applicants.

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2. We have heard the learned counsel for the parties and with their consent we are disposing of the OA at the admission stage itself.

3. The learned counsel for the applicant has strenuously urged before us that since the criminal case was based upon the same set of facts the departmental enquiry proceedings should be stayed till the decision in the criminal case. This argument appears to be based upon the judgment of the Apex Court in Kusheshwar Dubey vs. M/s. Bharat Cooking Coal Ltd. and others, reported in AIR 1988 Supreme Court 2118. The Apex Court held in that judgment that although there is no legal bar for simultaneous proceedings being taken there may be cases where it would be appropriate to defer disciplinary proceedings awaiting disposal of the criminal case. But at the time the Court further held that it would neither be possible nor advisable to evolve a hard and fast strait-jacket formula which would be valid for all cases.

4. We further notice that the Apex Court in a later judgment delivered in State of Rajasthan vs. B.K.Meena and others, reported in 1996 (6) SCALE 363, held that the tendency to stay disciplinary inquiries in all cases where criminal cases on similar sets of facts have also been instituted should be deprecated. In this regard it was observed that the interest of administration cannot brook any delay in disciplinary proceedings. According to the Apex Court it would also be in the interest of the delinquent official also to get his honour vindicated early by conclusion of the departmental enquiry, as the criminal cases usually take a long time to conclude. It

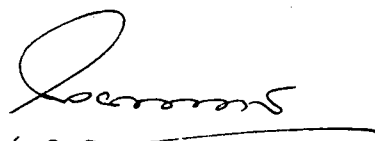
has further been observed that the standard of proof, the mode of enquiry and the rules governing the disciplinary proceedings and the criminal trial being entirely distinct and different, staying of disciplinary proceedings should not be a matter of course.

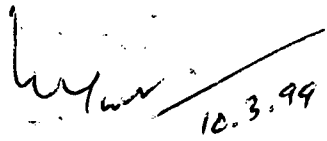
5. Although the applicants' counsel has urged before us that the applicants' defence in the criminal case will be seriously prejudiced if the disciplinary enquiry proceedings are continued, we do not find any material on the record to support this plea.

6. This Tribunal has in a series of recently delivered judgments on identical facts refused to stay departmental enquiry simply on the ground that on the same set of facts criminal cases were also pending. To cite only three of those judgment we may refer to the judgment dated 16.9.98 in S.I. Dalbir Singh vs. Commissioner of Police (OA-159 of 1998), the judgment dated 23.4.1998 in Constable Joginder Singh vs. Union of India and another (OA 2825 of 1997) and the judgment dated 30.3.98 delivered by our Bench in Suresh Kumar Heed Constable vs. Commissioner of Police and others (OA 990 of 1997).

7. For the foregoing reasons we find no merit in this OA. The same is accordingly dismissed and the interim order is vacated.

No costs.


(S.P. BISWAS)
Member (A)


(T.N. BHAT)
Member (J)