

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1467/98

New Delhi, this the 16th day of July, 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. R.K. AHOOJA, MEMBER (A)

In the matter of:

ASI Jai Pal Singh No. 378/D,
S/o Shri Malkhan Singh, aged 48 years,
presently posted in P.C.R.,
R/o 25-Bn., P.S. Bhajan Pura,
Delhi. Applicant
(By Advocate: Sh. Shankar Raju)

Vs.

1. Union of India
through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
2. Dy. Commissioner of Police,
Police Control Room,
Police Head Quarters, I.P. Estate,
New Delhi.
3. Dy. Commissioner of Police,
Vigilance, Police Head Quarters,
I.P. Estate, M.S.O. Building,
New Delhi. Respondents
(By Advocate: Sh. Anil Singal)

O R D E R (ORAL)

BY REDDY. J.

Heard counsel for both the parties.

2. In this case by an order of this Tribunal the disciplinary proceedings are stayed on the ground that the criminal case is pending against the applicant, on identical facts. Now it is stated that the evidence of prosecution of witnesses is almost over in the criminal case and that the case is posted for statement of the accused in August 1999. Learned counsel for applicant, therefore, submits that the judgment may be delivered within 2 months. Learned counsel for respondents, however, submits, relying upon the decision in Meena's

CRAB

[2]

case reported in 1996 (5) SLR 713, that the Tribunal is well within its power to direct the disciplinary proceedings to be reopened if it is found that the criminal proceedings are taking unduly long time for its completion. Learned counsel for respondents, therefore, submits that since the case has been prolonging since for the last 3 years without completion, the disciplinary proceedings have to be reopened.

2. In view of the fact that the criminal case is posted for recording the statement of the accused it can be presumed that the judgment may be pronounced within a period of 2 months. In the meanwhile we do not see it appropriate to reopen the disciplinary proceedings. The OA is, therefore, disposed of directing that, if the criminal proceedings are not disposed of within a period of 3 months from today before the Metropolitan Magistrate, the disciplinary proceedings stand reopened and the disciplinary authority is directed to continue the same as per the rules and to complete them without reference to the pendency of the criminal case against the applicant. With this direction the OA is disposed of.

R.K. Ahuja
(R.K. AHOOJA)
Member (A)

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V.Rajagopala Reddy
(V.RAJAGOPALA REDDY)
Vice Chairman (J)