

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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OA No. 769/98

New Delhi, this the 3rd day of February, 1999

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

In the matter of:

Vijay Kumar Kataria
S/o Shri Hari Singh Kataria,
R/o Vill. & P.O. Mitraon,
H.No. 81, New Delhi-110043.
(Sub-Inspector No. D/848 under Suspension)
(By Advocate: None)

Vs.

1. Commissioner of Police,
Police Headquarters, M.S.O. Building,
I.P. Estate, New Delhi-110002.
2. Addl. Commissioner of Police,
(Southern Range), Police Headquarters,
M.S.O. Building, I.P. Estate,
New Delhi-110002.
3. Addl. Deputy Commissioner of Police,
West District, New Delhi.
4. Shri R.C. Singh,
Asstt. Commissioner of Police,
Sub-Division, Punjabi Bagh,
West District,
New Delhi.

.... Respondents

(By Advocate: Sh. Surat Singh)

ORDER (ORAL)

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

None appeared for applicant on the previous three dates of hearing also and none appears for him today. We have heard Sh. Surat Singh, counsel for the respondents on the merits of the OA and since none has been appearing for the applicants we are finally disposing of the OA on the basis of the material placed on record by both the parties.

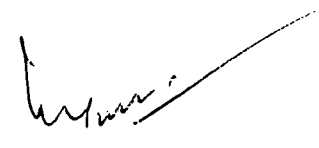
2. The applicant in this OA assails the action

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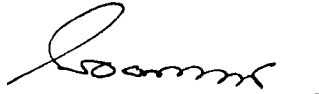
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of the respondents in initiating departmental enquiry against him and continuing the same despite the fact that the criminal case on the same set of facts is pending against the applicant in the criminal Court. When the OA was filed, the Tribunal, as an interim measure directed the respondents to proceed with the departmental enquiry but not to compel the applicant to enter into his defence. The interim order has been continued ^{since} then.

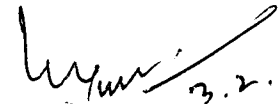
3. Learned counsel for the respondents draws our attention towards the judgment of the Apex Court in State of Rajasthan vs. B.K.Meena & Ors., reported in 1997 (1) ATJ(SC) 137, in which it has been laid down that there is no hard and fast rule requiring the disciplinary authority to stay its hands in all cases where criminal cases are pending on the same set of facts. It ^{is} further ~~held~~ held that the criminal proceedings usually take a long time to conclude and that it would be in the interest of the delinquent official to get himself cleared in the disciplinary proceedings and not to wait for the conclusion of the criminal trial. The only exception according to the Hon'ble Supreme Court is where the defence of the employee before the criminal Court would be prejudiced if he is compelled to disclose his defence in the disciplinary proceedings. We do not find any such thing in the instant case. We do not find ourselves in agreement with the applicant's contention that prejudice would be caused to him if the departmental proceedings continue against him even during the pendency of the criminal case.



4. In view of the above, we find no merit in this OA which is accordingly dismissed, leaving the parties to bear their own costs.


(S.P. BISWAS)
Member (A)

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(T.N. BHAT)
Member (J)

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