

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH 3

O.A.NO.1390/95

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 29th day of September, 1995

Shri Kamal Singh
s/o Shri Bakhtawar Singh
r/o Block No.E-1
Pocket - 7/20
Sector - 15, Rohini
DELHI.

.... Applicant

(By Shri G.D.Gupta, Advocate)

Versus

1. Government of National Capital Territory of Delhi through its Chief Secretary
5, Sham Nath Marg
Delhi - 54.
2. The Commissioner of Police
Police Headquarters
M.S.G.Building, I.P.Estate
NEW DELHI - 110 002.
3. The Additional Commissioner of Police
(Operations)
I.G.I.Airport
NEW DELHI.
4. The Deputy Commissioner of Police
I.G.I.Airport
NEW DELHI.
5. The Assistant Commissioner of Police
(D.E.Cell)
Vigilance
DELHI.

... Respondents

(By Shri O.N.Trishul, Advocate)

ORDER (Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant a Sub-Inspector under Delhi Police has prayed that the Departmental disciplinary proceedings ordered against him vide office order dated 10/13th July, 1995 may be stayed till the Criminal prosecution on the same allegation

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(9)

is concluded. It has been alleged that on the same allegation as is contained in the order dated 10/13th July 1995, he is being prosecuted before Criminal Court. According to the applicant, if the criminal prosecution as also the departmental proceedings are allowed to proceed simultaneously, his defence before the criminal court would be jeopardised. It is under the circumstances that the applicant had sought the aforesaid relief. The respondents have filed the reply opposing the grant of relief, but when the application came up for hearing today, the learned counsel on either side agreed that the application can now be disposed of finally at the admission stage itself, with a direction to the respondents to proceed in the departmental proceedings only to the extent of examining the witnesses in support of the summary of allegations in chief only, ^{and} allowing the applicant to defer the cross-examination till the criminal prosecution comes to an end. In the result, in view of the submissions made by both the counsel, the application is finally disposed of with a direction to the respondents to proceed in the Departmental Proceedings only to the extent of examining the witnesses in support of the summary of allegations in chief only and allowing the applicant to defer the cross-examination till the criminal case initiated against him on the same set of facts is decided by the Criminal Court. There is no order as to costs.


(R.K. AHUJA)
MEMBER(A)


(A.V. HARIDASAN)
VICE-CHAIRMAN(J)

/RAQ/