

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

O.A.No.1462/95.

New Delhi: this the 30<sup>th</sup> day of May, 1996.

HON'BLE MR.S.R.ADIGE , MEMBER (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

Constable Harender Kumar,  
S/o Sh. Jagat,  
P/o Vill. Mukandpur,  
P.S. Chapprauli, Distt. Meerut, UP  
at present

Constable No. 2826/SD temporarily attached  
with 3rd Bn. DAP New Police Lines, Delhi ... Applicant.

By Advocate: Shri V.P. Singh.

Versus

1. Commissioner of Police Delhi.,  
Delhi Police Headquarters,  
MSO Building, IP Estate,  
New Delhi.

2. Deputy Commissioner of Police,  
3rd Bn DAP, New Police Lines,  
Kingsway Camp,  
Delhi.

3. Enquiry Officer (Inspector Sh. Beer Singh)  
3rd Bn DAP New Police Lines,  
Kingsway Camp, Delhi .... Respondents.

By Advocate: Shri Rajendra Pandita.

JUDGMENT

HON'BLE MR.S.R.ADIGE. MEMBER (A).

We have heard applicant's counsel Shri  
V.P. Singh and respondents' counsel Shri R. Pandita.  
Respondents' counsel had relied upon a CAT  
Principal Bench judgment in Tara Chand Vs.  
Commissioner of Police and had been called upon  
to file a copy of the same on the date of  
hearing itself but he has not done so till date.  
Accordingly we are proceeding to record judgment.

2. A perusal of the summary of allegations  
in the departmental proceeding and the contents  
of the charge sheet in the criminal case clearly

shows that the two are grounded on the same set of facts. In the interest of justice, this is a fit case where the applicant should not be compelled to disclose his defence in the departmental proceeding lest it prejudice him in the criminal case.

3. Under the circumstance, we dispose of this OA by modifying the interim order dated 16.8.95 to the extent that while the examination of the PWs may proceed in the departmental proceeding, the <sup>Applicant</sup> should not be compelled to cross-examine them or to enter into his defence till the disposal of the criminal case against him. After the disposal of the criminal case, and in the background of the decision therein, the respondents may proceed further in the departmental proceeding in accordance with law.

4. This OA is disposed of in terms of para 3 above. No costs.

*Lakshmi Swaminathan*  
( LAKSHMI SWAMINATHAN )  
MEMBER (J)

*S.R. Adige*  
( S.R. ADIGE )  
MEMBER (A).

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