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Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1760/95

New Delhi this the 13th day of December 1995.

Hon'ble Shri A.V.Haridasan, Vice Chairman (J)
Hon'ble Shri B.K.Singh, Member (A)

Smt Krishna
Lady Costable No.1051/East Delhi Police
Police Station Vivek Vihar
Shahadra, Delhi.

R/o House No.34/25, Trilokpuri Police Station
Trilokpuri, Delhi - 110 091.

...Applicant.

(By Advocate: Shri J.P.Dhanda)

Versus

1. Commissioner of Police
Delhi Police, Police Headquarters
I.P.Estate
New Delhi - 110 002.

2. Shri P.K.Bhardwaj
Additional Deputy Commissioner of Police
East District
Delhi.

3. Shri D.N.Kaushik
Inspector, S.H.O.
Police Station Geeta Colony
Delhi (E.O.)

...Respondents.

(By Advocate: Shri Ajesh Luthra, proxy for Ms Jyotsana Kaushik)

O R D E R (Oral)

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

In this application, the applicant, a lady constable under the Delhi Police, has prayed for either quashing or staying the departmental enquiry initiated against her by order No.9606-30/HAP/E dated 6.9.1995. The order dated 6.9.95 shows that the departmental proceedings have been initiated against the applicant on an allegation that her conduct was unbecoming of a police official in as much as an FIR has been registered against her for offences u/s 452/324/307/506/354 read with section 34 of IPC on the allegation that she along with her husband entered the house of Smt Munni Devi, wife of Bhim Singh, R/o 34/22, Trilokpuri, with a knife in her hand and

threatened to kill her, and that her husband caused bodily injury to Munni Devi. The basis of the departmental proceedings is the same as the allegations contained in the FIR against the applicant, and therefore, the simultaneous holding of departmental proceedings with the criminal case, according to the applicant, would prejudice her defence before the Criminal Court. It has been mentioned in the application that really it was the applicant and her husband who were assaulted and injured seriously by Munni Devi and her relatives and that on the basis of the complaint given by the applicant, a case was registered against Munni Devi and others on the very same day. Since the allegations in the FIR pending investigation against the applicant and the accusations in the departmental proceedings are identical, the applicant prays that in the interest of justice, either departmental proceedings may be quashed or the respondents may be directed to keep the same pending till disposal of the criminal case.

2. Though it has been contended in the reply statement that the basis of the criminal charge and the departmental proceedings are identical, a mere reading of the impugned order at Annexure-A establishes that the departmental proceedings are being initiated for exactly the same accusations for which a criminal case is under investigation against the applicant.

3. Under these circumstances, we are of the considered view that it is in the interest of justice to keep the departmental proceedings pending till the criminal investigation and the consequential trial, if any, is complete.


4. In the light of what is stated above, we ^{allow}~~admit~~ the application in part and direct the respondents to keep the departmental proceedings initiated against the applicant by Annexure-A order dated 6.9.95 pending till the final disposal of the case registered against

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the applicant under FIR No. 215/95 of the Trilokpuri Police Station.

There is no order as to costs.

In view of the disposal of the application, the MA No.3019/95 stands disposed of.



(B.K.Singh)
Member (A)



(A.V.Haridasan)
Vice Chairman (J)

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