

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2283/1995

New Delhi, this 25th day of March, 1996

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

Shri Sukhbir Singh  
Barrack Security Police Lines  
'E' Block, New Delhi .. Applicant

By Shri A.S. Grewal, Advocate

vs.

1. Commissioner of Police  
Delhi Police Hqrs., New Delhi
2. Addl. Dy. Commissioner of Police  
'E' Block, New Delhi
3. Asstt. Commissioner of Police  
'E' Block, New Delhi .. Respondents

By Shri Surat Singh, Advocate

ORDER(oral)

Hon'ble Shri A.V. Haridasan

The applicant, who is a constable in Delhi Police, has filed this application praying that the departmental proceedings initiated against him by order dated 31.3.93 by Respondent No.2 may be kept in abeyance, pending final disposal of the criminal case in FIR 391 dated 3.12.92 u/s 302/34, IPC, PS City Jind, Haryana. On notice, the respondents filed their reply stating that the departmental enquiry has been kept in abeyance on receipt of the request from the applicant and also interim order of the Tribunal dated 6.12.95. Both the parties agree that the application may be disposed of at the admission stage itself with a direction to the respondents to proceed with the enquiry in such a way that it does not prejudice his defence in the criminal case.

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2. In the light of the submissions made by the parties, the application is disposed of with a direction to the respondents that while they may proceed with the departmental enquiry only to the extent of recording the evidence of the witnesses in support of the summary of allegations, in chief the cross examinations of these witnesses by the appellants shall be deferred till these witnesses are fully examined before the Criminal Court if they are witnesses before the criminal court. We further direct that the applicant shall not be compelled to enter on his defense in the departmental proceedings till the evidence in the criminal case in FIR ~~52~~ dated 3.12.92 before the Sessions Court is over. No costs.

(B.K. Singh)  
Member (A)  
25.3.96

(A.V. Haridasan)  
Vice-Chairman (J)  
25.3.96

/gtv/