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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.No. 387/1995

New Delhi this the 26th Day of February, 1996.

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

Hon'ble Shri R.K. Ahooja, Member (A)

Constable Umesh Kumar No. 902/ND,
Son of Shri Rama Nand,
Resident of Village Burari P.O. Burari,
Delhi-110009.

Applicant

(By Shri Shanker Raju, Advocate)

Vs.

1. Lt. Governor of N.C.T. Delhi,
through Commissioner of Police,
Police Headquarters, M.S.O. Building,
I.P. Estate,
New Delhi.

2. Additional Deputy Commissioner of Police,
New Delhi District,
P.S. Parliament Street,
New Delhi.

Respondents

(By Shri Rajinder Pandita, Advocate)

O R D E R (Oral)

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

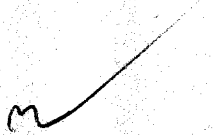
The applicant, a Police Constable, who is under suspension has prayed in this application that the respondents may be directed to keep in abeyance the departmental disciplinary proceedings initiated vide Annexure A-1 & A-2 till the disposal of the criminal case in FIR No. 654/91 U/S 302, 307 read with Section 34 of the Indian Penal Code pending in the Court of Additional Session Judge, Delhi. It is alleged in the application that the departmental proceedings as also the prosecution are being conducted simultaneously. It

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is also alleged that the documents and the witnesses sought to be examined are the same as the witnesses, who are listed in the list of witnesses before the court. The defence of the applicant in the criminal case is likely to be prejudiced in case evidence is allowed to be recorded in the departmental proceedings. It is under these circumstances that the applicant has filed this O.A.

2. The respondents contest this application. However, when the matter came up for hearing on admission, the learned counsel for both the parties agreed that as the witnesses in the departmental proceedings and criminal case are the same and common facts would have to be brought in evidence in the two proceedings it would be appropriate if the cross examination of the witnesses at the departmental enquiry is deferred till they are examined in the criminal court and if the applicant be not asked to enter on his defence till the disposal of the criminal case. The counsel agreed that the application may be disposed of finally with such a direction.

3. In the light of the submission of the counsel on either side we dispose of the application finally directing that while the respondents may proceed with the departmental proceedings by examining the witness in support of the charge in chief only their cross examination shall be deferred till they are examined in



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the criminal case, and that the applicant shall not be asked to enter on his defence till the criminal case in FIR No. 654/91 is finally disposed of by the court. There is no order as to costs.

R. K. Ahooja
(R.K. Ahooja)
Member (A)

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

Mittal