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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.No.971/95
M.A.No.1226/95

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

New Delhi, this 17th day of August, 1995

Shri Kadam Singh
s/o Shri Bishan Singh
r/o House No.200,
Pocket D-6, Sector-6
Rohini
D E L H I.

... Applicant

(By Shri A.S.Grewal, Advocate)

Versus

The Commissioner of Police Delhi
Delhi Police Headquarters
M.S.O.Building
I.P.Estate
New Delhi.

The Deputy Commissioner of Police
Rashtrapati Bhawan,
New Delhi.

The Enquiry Officer
Assistant Commissioner of Police
Rashtrapati Bhawan
New Delhi.

... Respondents

(By Shri Raj Singh, Advocate)

ORDER(Oral)

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

The applicant, Shri Kadam Singh appointed in Delhi Police as Constable, has filed this application under Section-19 of the Central Administrative Tribunal Act, 1985 with a prayer that the departmental disciplinary proceedings initiated against him vide order dated 15.6.1992 issued by the respondents may be quashed/stayed or held in abeyance till the decision of the criminal case, pending in the court of the Senior Additional Session Judge-III, P.S.Jhajjar, District Rohtak, Haryana in FIR No.267/90 u/s 395/34 IPC. It is averred in the application that the alleged misconduct, for which the departmental proceedings against him have been initiated, is virtually ^{based} on the same set of facts for which he

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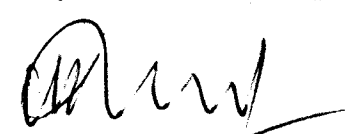
is being prosecuted before the Senior Additional Session Judge-III. Hence, the applicant states that it is in the interest of justice that the departmental proceedings are kept in abeyance till the criminal trial is completed and till a decision is given by the Court. It is further alleged that in case the applicant is compelled to disclose his defence it would prejudice his defence in the Criminal Case.

2. The respondents have contest^d the application. Learned counsel for the respondents states that the Enquiry Officer has already submitted an enquiry report to the disciplinary authority on 09.06.1995, and therefore, the prayer for keeping the departmental proceedings in abeyance has become infructuous.

3. Since it has been stated that a final order on the disciplinary proceedings has not yet been passed, it cannot be said that the application has become completely infructuous. The departmental proceedings would come to a close only on passing an order by the disciplinary authority. However, learned counsel on either side agree that as the allegations against the applicant in the criminal case as well as in the departmental proceedings being identical, it will be appropriate if the application is disposed of with a direction to the disciplinary authority not to pass a final order in the departmental proceedings, if the same has not yet been communicated to the applicant as of today, until the disposal of the criminal case by the Senior Additional Sessions Judge-III.

4. In the light of the above submissions, the application is disposed of with a direction to the respondents not to pass order in the disciplinary proceedings against the applicant till the disposal of the criminal case against Shyam pending before the Senior Additional Sessions Judge-III, Rohtak, Haryana on the basis of FIR No.267/90 u/s 395/34 IPC, P.S.Jhajjar, Rohtak, if the final order has not already been passed and communicated to the applicant as of today. There shall be no order as to costs.


(R.K. AHUJA)
MEMBER(A)
/RAU/


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