

Central Administrative Tribunal, Principal Bench

Original Application No.1160 of 1995

New Delhi, this the 2nd day of September, 1999

Hon'ble Mr.R.K.Ahooja, Member(Admnv)
Hon'ble Mr.Syed Khalid Idris Naqvi, Member(Judl)

1. Bhagwan Singh, No.4932 PCR(PIS No.28863236) S/o Shri Inder Singh, r/o Bijwasan, New Delhi.
2. Mukesh Kumar Sharma, No.1955/PCR(PIS No.28911526) son of Shri Raj Singh Sharma r/o C-15, Tihar Jail Quarters, New Delhi. - Applicants
(By Advocate - None)

Versus

1. Government of National Capital Territory of Delhi, through Lt. Governor, Delhi Administration, Raj Niwas Marg, New Delhi.
2. Commissioner of Police, Police Headquarters, I.T.O., M.S.O. Building, New Delhi-110002.
3. Deputy Commissioner of Police, Police Control Room, Police H.Q. I.T.O., M.S.O. Building, New Delhi. - Respondents
(By Advocate Shri Amresh Mathur)

O R D E R (ORAL)

By Hon'ble Mr.R.K.Ahooja, Member(Admnv)

The applicants herein came here challenging the action of the respondents to initiate a departmental enquiry against them on the basis of certain charges of misconduct while they were detailed on PCR duty on the night intervening 28/29th April, 1995.

2. The ground taken in the O.A. was that an FIR had also been registered for the same incident and the matter was pending trial before the Sessions Court. It was the case of the applicants that if the

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department is allowed to initiate a departmental enquiry it will prejudice the case of the applicants. On that basis they sought the quashing of the order at Annexure-A-1 whereby joint disciplinary proceedings were ordered against them.

3. When the matter came up today for hearing, none appeared for the applicants. We have heard Shri Arun Bhardwaj, learned counsel for the respondents and also gone through the records.

4. When the OA was filed an interim order was granted on 10.7.1995 that the disciplinary authority may continue with the enquiry but final order of punishment shall not be passed till further orders. The applicants thereafter filed MA 2559/95 for further interim directions making a prayer that the departmental enquiry be stayed till the disposal of the criminal case. The Tribunal gave a further direction thereon that the applicants should not be compelled by the disciplinary authority or by the enquiry officer to cross-examine the prosecution witnesses.

5. It appears that the respondents filed an MA 1903/98 on 10.8.1998 seeking vacation of the aforesaid interim order. When the MA was taken up for consideration by the Tribunal on 5.4.1999, the following order was passed :-

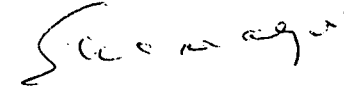
"Learned counsel of both the sides admit that the criminal case has now ended in the acquittal of the applicant. Viewed as such the MA seeking vacation of the interim order and permission to proceed with the DE has become infructuous. MA is accordingly disposed of leaving it open to the respondents to proceed with the disciplinary enquiry in accordance with the Rules."

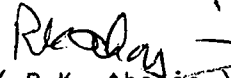
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6. We consider that in terms of the order of this Tribunal dated 5.4.1999, the OA can be disposed of finally. Since the criminal case against the applicants has been decided, there can be no bar against the respondents to continue with the disciplinary enquiry in terms of the impugned order. The OA is accordingly liable to be dismissed. We order accordingly. No order as to costs

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(Syed Khalid Idris Naqvi)
Member(Judl)


(R.K. Ahooja)
Member(Admnv)

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