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Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1143/96

New Delhi the 12th day of July 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman(J)
Hon'ble Mr K.Muthukumar, Member (A)

Head Constable Prem Pal
No.1787/ C
S/o Shri Raj Pal Singh
Central District Lines
R/o A-11, P.S. Paharganj, New Delhi.Applicant.
(By Advocate: Sh. Shankar Raju)

Versus

Union of India through
Commissioner of Police
Police HQs. M.S.O.Building
I.P.eEstate, New Delhi.

2. Additional Dy. Commissioner of Police
Central Dist. , Darya Ganj
New Delhi-110 002.Respondents.

(By Advocate: Sh. Vijay Pandita)

O R D E R (Oral)

In this application, the applicant, a Head Constable under suspension, has prayed that the respondents may be directed to keep the departmental enquiry initiated against the applicant vide impugned orders at Annexure A-1 & 2 in abeyance till the disposal of the criminal case pending against him on the basis of the same set of allegations. A perusal of the summary of allegations served on the applicant and the charge-sheet before the Tis Hazari Courts which are available on record shows that the basis of the departmental proceedings as also the criminal prosecution is identical. Under these circumstances, we are convinced that it would be in the interest of justice to proceed with the ^{only} departmental proceedings to such an extent that the defence of the applicant is not prejudiced.

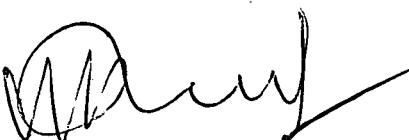
2. Learned counsel on either side agree that the application can be disposed of giving proper directions to the respondents in regard to the stage upto which the departmental proceedings may be held before the conclusion of the criminal case.

3. In the light of what is stated above, we dispose of this application with a direction to the respondents that if they proceed with the departmental proceedings, they may proceed to examine the witnesses in support of the charge in chief only, deferring their cross-examination and not to compel the applicant to enter his defence till the criminal case pending against him on the very same set of allegations as contained in the summary of allegations is disposed of by the Court. After culmination of the criminal case, it will be open for the respondents to take a decision to resume or not the departmental proceedings, depending on the result of the criminal case and consideration of the competent authority in terms of Article 12 of the Delhi Police (Punishment & Appeal) Rules.

No order as to costs.


(K. Muthukumar)

Member (A)


(A.V. Haridasan)

Vice Chairman (J)

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