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Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1263/96

New Delhi this the 9th day of July 1996.

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

Constable Ram Kumar
S/o Sh.Amar Singh
R/o Village Kushak Hirnki
P.O.Alipur Delhi.

...Applicant.

(By Advocate: Mrs Meera Chhibber)

Versus

1. Lt. Governor
Raj Niwas, Delhi.
2. Dy. Commissioner of Police
I.G.I.Airport
New Delhi.
3. Inspector Subey Ram Yadav
Vigilance Section
Domestic IGI Airport
New Delhi.

...Respondents.

(By Advocate: Sh. Amresh Mathur)

O R D E R (Oral)

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

In this application, there is a typographical error in para 'B' of the prayer portion of the OA. Learned counsel for the applicant is permitted to correct the same.

This is a case in which a police constable driver in the Delhi Police is aggrieved by being subjected to departmental proceedings simultaneously with a criminal case on the basis of same set of allegations. The applicant has been served with a summary of allegations and he is at the same time facing a prosecution before the Additional Chief Metropolitan Magistrate, Patiala House. A ^{on} reading of the summary of allegations as also the report filed before the Court, we find that the basic

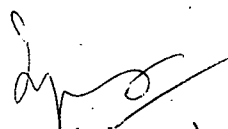
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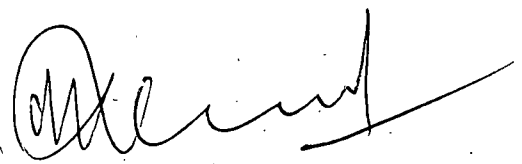
allegations forming the basis of the criminal prosecution as also the departmental proceedings are identical. This fact is not disputed by the respondents in their reply statement. The applicant has prayed for quashing the disciplinary proceedings and in the alternative for keeping the same pending till the disposal of the criminal prosecution.

2. After hearing the learned counsel on either side and on a perusal of the pleadings and materials available on record, we find that it is in the interest of justice to direct the respondents to continue with the departmental proceedings only to the extent of examining the witnesses in chief, deferring their cross-examination and the defence evidence till the criminal prosecution against the applicant is over on the same set of allegations. Learned counsel on either side agree that the application may be disposed of with directions to the respondents in that behalf.

3. In the result, the application is disposed of at the admission stage itself directing the respondents that the disciplinary proceedings may be proceeded with only to the extent of examining the witnesses in support of the charge in chief, deferring their cross-examination and the defence evidence till the criminal case pending against the applicant before the Additional Chief Metropolitan Magistrate is over. However, it would be open for the respondents to take appropriate decision regarding further resuming of the disciplinary proceedings in accordance with law and the result of the criminal case.

There is no order as to costs.


(K. Muthukumar)
Member (A)


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