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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 586/1996

New Delhi this the 8th Day of July 1996

Hon'ble Shri A.V. Haridasan, VC(J)
Hon'ble Shri K. Muthukumar, Member(A)

H.C. Ved Prakash,
S/o late Shri Balbir Singh,
192 Type I.P.T.S.
Malviya Nagar,
New Delhi

..... Applicant

(By Advocate: Shri Shankar Raju)

Vs.

Union of India

1. Secretary,
Ministry of Home Affairs,
New Delhi.

2. Addl. Dy. Commissioner of Police,
Central District,
Darya Ganj,
New Delhi

... Respondents

(By Advocate: Shri H.L. Jad)

O R D E R (Oral)

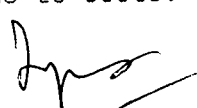
Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

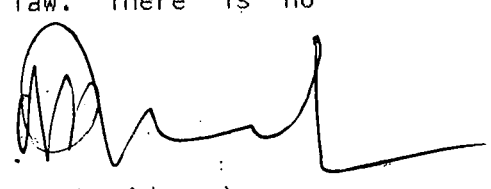
The applicant has filed this application praying, that the respondent No. 2 may be directed to keep the departmental enquiry initiated against the applicant vide Annexure A-1 and A-2 orders in abeyance till the final disposal of a criminal case against him, pending before the MM, Tis Hazari in FIR No. 454/95 under Section 392 IPC on the ground that the evidence in the criminal charge as well as the departmental proceedings being identical the defence of the applicant would be jeopardised in case the proceedings are allowed to run simultaneously. The respondents concede that the basic allegations in the

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criminal case as well as in the departmental proceedings are the same. It is also conceded that the witnesses 1 to 3, 5 & 6 shown in the list of witnesses appended in the annexure are witnesses before the criminal case also. The learned counsel of the applicant states that if the department desires to proceed with the enquiry it may be directed that the cross examination of the witnesses in support of the summary of allegations shall be deferred and the applicant may not be called upon to enter on his defence till the criminal case is over. We are convinced that this is a reasonable request.

2. In the light of what is stated above, we dispose of this application at the admission stage itself with a direction to the respondent to allow applicant to defer cross examination of the witnesses 1 to 3, 5 & 6 shown in the annexures appended to the summary of allegations till such a time they are fully examined before the MM, Tis Hazari Court in the case arising out of FIR 454/95 and to not compel the applicant to enter on his defence till the said criminal case before the Tis Hazari court is over. However, We make it clear that it is open to respondents to decide whether further departmental proceedings should be held or not, after the disposal of the criminal case in accordance with law. There is no order as to costs.


(K. Muthukumar)
Member(A)
8.7.96


(A.V. Haridasan)
Vice-Chairman(J)
8.7.96

(K. Muthukumar)
Member(A)
8.7.96

(A.V. Haridasan)
Vice-Chairman(J)
8.7.96

/gtv/