

Central Administrative Tribunal:Principal Bench

OA No. 889/96

New Delhi, this the 23rd day of July, 1996

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

Const. Narender Singh,
s/o Sh. Joginder Singh,
R/o D-8, Type-II, New Police Lines,
Delhi. ..Applicant
(By Shri Shanker Raju, Advocate)

-Versus-

Union of India through

1. Commissioner of Police,
Police Headquarters, IP Estate,
MSO Building,
New Delhi.
2. Dy. Commissioner of Police,
1st Bn. DAP, N.P.L. Kingsway Camp,
Delhi.
(By Sh. Surat Singh, Advocate) ...Respondents

ORDER (Oral)

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

The applicant who is a Constable working in Delhi Police, has filed this application praying that the disciplinary proceedings initiated against him vide Summary of Allegations (Annexure A-2) may be kept pending till the disposal of the criminal case in FIR No. 334/95 dated 30.10.1995 lodged under Section 308/34 pending before the court of Shri Shiv Charan, M.M., Tis Hazari Courts, Delhi and also for quashing of the order dated 17.4.1996 (Annexure A-3) by which his request for stay of the disciplinary proceedings was rejected by the respondents. It is alleged in the application that the foundation of the summary of allegations as also of the criminal case against the applicant remains the same and that if the disciplinary proceedings are allowed to proceed with the criminal

case simultaneously, the ^{at is} disciplinary proceedings ⁽⁷⁾ are likely to jeopardise his defence before the criminal court. 2

2. Respondents have filed a reply to the Original Application. It is stated that the basis of accusation in the FIR and that of the summary of allegations is the same, is ~~not~~ in dispute. Under these circumstances, we are of the considered view that in the interest of justice, it ^{is} ~~is~~ ^{must be} ~~demanded~~ ^{proper} that the disciplinary proceedings ~~may~~ be held without causing any prejudice to the defence of the applicant before the criminal court.

3. In the result, as agreed by the learned counsel on either side, the application is disposed of at the admission stage itself by giving the following directions:-

(i) While the respondents ^{may} proceed with the disciplinary proceedings, the examination of the witnesses in support of the charges may be held, only in chief deferring the cross examination till such time the evidence in the criminal case is over;

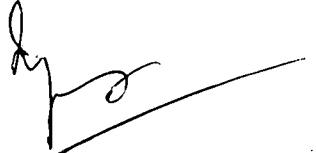
(ii) The applicant may not be compelled to enter into his defence till the disposal of the criminal case;

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(iii) After the disposal of the criminal case, the respondents may decide in accordance with the provision of rule 12 of the Delhi Police(Punishment and Appeal) Rules,to further proceed with the disciplinary proceedings or not.

4. There is no order as to costs.



(K.Muthukumara)

Member (A)



(A.V.Haridasan)

Vice-Chairman(J)

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