

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 979 of 1996

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New Delhi this the 15th day of May, 1996

HON'BLE MR. JUSTICE A.P. RAVANI, CHAIRMAN  
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

1. Rajbir Singh  
S/o Shri Ram Diyal,  
R/o Village Chiruni,  
P.S. Undawar,  
District Alwar (Rajasthan).
2. Raish Saddiqui  
S/o Shri Roshan Ali,  
R/o 198, Sarwat Gate,  
North Muzaffar Nagar,  
U.P.
3. Dashrath Singh  
S/o Vimal Singh Village Naya Bas,  
Neem-ka-Thana,  
Seikhar, Rajasthan. ..Petitioners

By Advocate Shri J.N. Verma


Versus

1. Commissioner of Police,  
PHQ, New Delhi.
2. Deputy Commissioner of Police  
Centre,  
Darya Ganj,  
New Delhi.
3. SHO,  
P.S. Pahar Ganj,  
New Delhi. ..Respondents

ORDER (ORAL)

Hon'ble Mr. Justice A.P. Ravani

The petitioners are police constables. .  
A departmental enquiry has been initiated against  
them on the allegation of certain misconduct,  
gist of which is stated in the order of suspension



dated July 5, 1995. The summary of allegation is at page 14 of the petition. In substance, the allegation is that all the three petitioners had beaten one Chander Mohan with dandas and also snatched one gold chain and Rs.2800/- from him and the same departmental enquiry is still pending. The petitioners have prayed that the departmental enquiry be quashed. The departmental enquiry cannot be quashed. In view of this, the learned counsel for the applicants states that the relief may be moulded <sup>and</sup> ~~as~~ it may be stayed till the criminal case is decided. However, there is nothing on record to show that the criminal case is instituted on these identical allegations, as made in the departmental enquiry. Therefore, the petition cannot be entertained at this stage. If the charge is framed against the petitioners in the criminal case and if the petitioners are in a position to <sup>show on the basis of record of the case</sup> ~~get the record which may indicate~~ that the charge in the criminal case is identical, <sup>or substantially similar</sup> as alleged in the departmental enquiry, it would be open to them to file a fresh petition and approach this Tribunal for appropriate relief.

2. Subject to the aforesaid observations and orders, the O.A. is disposed of.

  
(K. MUTHUKUMAR)  
MEMBER (A)

  
(A.P. RAVANI)  
CHAIRMAN

RKS