

Central Administrative Tribunal  
Principal Bench, New Delhi.

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OA-243/94

New Delhi this the 8th June of 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman  
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri Chand Singh,  
S/o Sh. Hoshyar Singh,  
R/o Vill. & Post Office Mokhra,  
Distt. Rohtak(Haryana).

Applicant

(By advocate Sh. G.D. Gupta)

versus

1. Government of National  
Capital Territory of Delhi,  
through its Chief Secretary,  
5, Sham Nath Marg,  
Delhi-54.
2. The Commissioner of Police,  
Police Headquarters,  
M.S.O. Building, I.P. Estate,  
New Delhi-2.
3. The Addl. Commissioner of Police(Admn.),  
Police Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi-2.

Respondents

(Sh. Kamal Chaudhary, proxy counsel for Sh. Madan  
Gera, counsel)

ORDER(ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, V.C.

The applicant, a constable in the Delhi Police is facing a departmental enquiry. The charge is that in a competitive examination conducted by Staff Selection Commission in 1991, for the post of SI(EX), the applicant himself did not appear in the examination and someone else appeared on his behalf in that examination.

The applicant is also facing a criminal trial in a competent criminal court for the alleged offence under Section 419/420/468/471 of the Indian Penal Code. A copy of the chargesheet dated 26.7.93 has been produced by the learned counsel for the respondents. We have perused

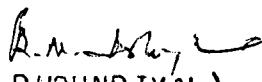
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the chargesheet and it appears to us that the applicant is facing the same charges in the criminal court as in the departmental enquiry. In these circumstances, there is a likelihood of the applicant being prejudiced in the criminal trial if he is compelled to disclose his defence in the departmental enquiry.

The learned counsel for the respondents has urged that there is no legal bar for a departmental enquiry and a criminal trial being held simultaneously, there can be no quarrel with the proposition. The question still remains to be examined is as to whether justice and expediency would be met with this sort of action. We have already indicated that there is a likelihood of the applicant being prejudiced. We accordingly direct that the departmental enquiry shall be kept in abeyance <sup>decision of the</sup> till the criminal trial. If the applicant is convicted in the criminal proceedings, that will be the end of the matter. If, however, he is acquitted, it will be open to the department to take a decision as to whether it should continue with the departmental proceedings.

With these directions, this O.A. is disposed of finally. No costs.

  
(B. N. DHOUNDIYAL)  
MEMBER (A)

  
(S. K. DHAON)  
VICE CHAIRMAN

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