

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.516 of 1994

New Delhi this 9th June 1994.

(X)

CORAM:

Hon'ble Mr.J.P.Sharma, Member (J)
Hon'ble Mr.S.R.Adige, Member (A)

Gyanender Singh (1735/D),
s/o Shri Ram Charan Singh,
r/o Quarter No.B-14, Pitampura Police Lines,
Delhi, presently posted as Sub-Inspector
in Finger Print Bureau, Crime Branch,
Delhi Police, Delhi Applicant.

By Advocate Shri Shyam Babu.

Versus

1. Deputy Commissioner of Police,
Crime & Railways, Police Headquarters,
I.P.Estate, New Delhi.
2. Mr. S.S.Manan, Asstt. Commissioner of Police
III/Crime Branch, Police Headquarters, I.P.
Estate, New Delhi Respondents.

By Advocate Shri S.Adhlakha

J U D G M E N T

Hon'ble Mr.S.R.Adige, Member (A)

In this application, Shri Gyanender Singh has impugned the order dated 10.2.94 (Annexure-A) initiating departmental proceedings against him.

2. The applicant, who was working as an Assistant Sub-Inspector in the Finger Print Bureau of Delhi Police, was proceeded against departmentally for allegedly producing a forged matriculate certificate showing his date of birth as 23.12.60 whereas it ~~was~~^{is} actually ~~was~~^{is} 3.7.58. He challenged those departmental proceedings in O.A.No.93/91 which was decided by this Tribunal on 25.9.92 where-
by the departmental proceedings were held to be vitiated and were, therefore, quashed and set aside.

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However, it was made clear in the judgment that the respondents were not precluded from verifying the correct date of birth of the applicant, not on the basis of the character certificate issued by the Principal, Chuni Lal Inter College, but by other independent and clinching evidence, if any, and taking appropriate action regarding the entry of date of birth in his service records after giving him an opportunity to explain.

3. It is in pursuance to the said directions of the Tribunal, that the respondents have now initiated departmental proceeding against the applicant afresh vide impugned order dated 10.2.94. Shri Shyam Babu, learned counsel for the applicant has contended that the applicant is separately being prosecuted in a criminal case on the same charges, and if the departmental proceedings are allowed to go ahead, it will prejudice ^{his defence} in Criminal case. He has prayed that the departmental proceedings be quashed or kept in abeyance till the Criminal case against ^{the applicant} ~~him~~ is decided, and has stated that in similar circumstances, in O.A.No.393/92 by its judgment dated 21.4.93, the Tribunal had directed that the departmental proceedings be kept in abeyance till the decision of the competent Criminal Court. He mentions that there are a number of similar decisions given by the CAT.

4. We are not persuaded to accede the applicant's prayer to keep the departmental in abeyance at this stage; firstly for the reason that these departmental proceedings are being conducted specifically in accordance with the

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directions of the Tribunal in its judgment dated 25.9.92. Any interference with the departmental proceedings at this stage would imply negating those directions of the Tribunal. Secondly, the respondents have stated on affidavit that while FIR No.10 dated 10.1.94 under secs.420/471 IPC has now been registered against the applicant, so far no charge-sheet has been filed in the court and under the circumstances of the case the same is still under investigation and the trial has not yet commenced. For the above reasons, we are not inclined to interfere with the impugned order and this application is dismissed. It will be open to the applicant to challenge the findings in the departmental proceedings if after exhausting ^{the} available departmental proceedings ^{any} grievance survives, if so advised. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

J.P. Sharma
(J.P. SHARMA)
MEMBER (J)

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