

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1566/1994

New Delhi this the 11th day of August, 1999.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI N. SAHU, MEMBER (A)

Bijender Singh Deswal
S/O Bharat Singh Deswal,
R/O Qr. No.C-3, Type-III,
P.S. Karol Bagh Quarters,
New Delhi-110005.

... Applicant

(By Shri S. D. Raturi for Shri G. D. Gupta, Adv.)

-Versus-

1. The Lt. Governor,
Govt. of National Capital
Territory of Delhi,
Raj Niwas, Delhi-54.
2. Commissioner of Police,
Police Headquarters,
MSO Building, I.P.Estate,
New Delhi-110002.
3. Dy. Commissioner of Police (HQ-I),
Police Headquarters,
MSO Building, I.P.Estate,
New Delhi-110002. Respondents

(By Shri S. K. Gupta for Shri B. S. Gupta, Adv.)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

By this O.A., the applicant has made a prayer for quashing the order dated 22.11.1993 staying the departmental proceedings pending disposal of the criminal trial going on against him pursuant to criminal case on the basis of FIR No.355/91 under Sections 498-A and 406 IPC registered with P.S. Janakpuri, New Delhi, as also for declaring inclusion of his name in the list of officers of doubtful integrity as illegal.

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2. Briefly stated, the applicant was a Sub Inspector in Delhi Police. He was subjected to departmental enquiry on the alleged misconduct of torturing his married wife for non-fulfilment of his dowry demands from her relations. On the basis of same allegations, an FIR No.355/91 for offences under Sections 498-A and 406 IPC were registered against him with P.S. Janakpuri. He was formally arrested and released on bail pursuant to anticipatory bail he had secured from the competent court. No witnesses could be examined and no progress could be made in the departmental enquiry for the reasons stated in the impugned order and consequently, in view of the pendency of criminal case against the applicant in respect of the same incident or on similar allegations, the departmental enquiry was directed to be kept in abeyance till decision of the criminal case. This order is challenged in this O.A. besides challenging the inclusion of his name in the list of officers of doubtful integrity.

3. After hearing the learned counsel for parties and in view of the statement made by the learned counsel for respondents that the criminal case is still pending against the applicant, we are of the view that the applicant has no case for quashing the impugned order of the disciplinary authority, particularly in view of the provisions of Rule 12 of the Delhi Police (Punishment & Appeal) Rules, 1980 which says, "When a police officer has been tried and acquitted by a criminal court, he shall not be

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punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case." On the basis of the allegations against him in the criminal case, the applicant cannot also challenge the inclusion of his name in the list of officers of doubtful integrity. Accordingly, we find no merit in this O.A. and it deserves to be dismissed.

4. In the result, this O.A. fails and it is hereby dismissed, but without any order as to costs.

K. M. Agarwal
(K. M. Agarwal)

Chairman

N. Sahu
(N. Sahu)

Member (A)

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