

R.A. No. 243/98 In
O.A. No. 2292/93

New Delhi this the 17th day of September 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mrs. Shanta Shastray, Member (A)

1. Delhi Administration
through Additional Commissioner of Police,
(Operations) Police Headquarters,
M.S.O. Building,
I.P. Estate, New Delhi.
2. The Deputy Commissioner of Police
D.E. Cell (Vigilance) Police Station
Defence Colony, New Delhi.

..Review Applicants

(By Advocate: Shri Anil Singhal
Proxy for Shri Anoop Bagai)

1. SI Satya Vir Singh No. D/64
S/o Shri Humam Chand,
R/o Village Fatehpur Chuck
P.S. Ramala Distt. Meerut (UP)
2. ASI Shri Ram No. 277/D
S/o Shri Jage Ram,
R/o Village Bukkarwala P.S. Nangloi,
Delhi.
3. Const. Satbir Singh No. 778/L
S/o Shri Mohinder Singh,
R/o Vill: Phoobana
Distt. Muzaffarnagar
(U.P)
4. Const. Shiv Kumar No. 776/L
S/o Shri Om Parkash,
R/o Rampur (Kundal)
Distt. Sonepat(Haryana)

..Review Respondents

(By Advocate: Shri Shankar Raju)

ORDER (Oral)

By Reddy, J.-

Heard the counsel for applicant and the
respondents.

2. This is an application to condone the delay in
filing the review.

[Signature]

3. The order under review was passed on 26.4.94 in

OA-2292/93. In the said order the tribunal directed that

the culmination of the criminal trial, the disciplinary proceedings should remain in abeyance. It is the case of the respondents in the R.A. and the applicant in the OA that the disciplinary proceedings pending against him should be stayed in view of the fact that criminal proceedings have been initiated and they are being proceeded with on the identical charges.

4. The applicant filed the present OA stating that

the criminal trial is taking unduly long time. Hence the disciplinary proceedings should be proceeded with particularly in view of the decision of the Supreme Court

in 1996 (5) SLR 713 State of Rajasthan Vs. B.K. Meena & ors. || The R.A. is filed on 29.10.98, thus there is a

delay of four years five months in filing the R.A. The only reason given in the present MA is that the above decision was reported only in 1996 and thereafter immediately the applicant contacted their counsel to seek the legal advice and upon taking the advice the review petition was filed, thus there was delay. It is true

that in B.K. Meena's case the Supreme Court has stated that it is open to the department to proceed with the departmental enquiry if the proceedings of the criminal

court take unduly long time. It is also true that as contended by the learned counsel for applicant that the mere length of the delay cannot be a ground for refusing

^{if the delay is justified.} to review the case. Learned counsel for applicant,

however, states that the prosecution evidence in the case is over and it will not take much time before ~~cum~~mination of the criminal trial against his client. If the criminal case is over and the judgment is rendered and

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the delinquent is exonerated upon the charges and
acquitted, it may not be necessary to proceed with the
enquiry in view of the decision of the Hon'ble Supreme
Court in M. Paul Anthony Vs. Bharat Gold Mines 1999 (2)
JT 456.

In the circumstances we do not think it
appropriate at this stage to allow the present review.
The Review Petition is, therefore, dismissed.

Shanta
(Mrs. Shanta Shastray)
Member (A)

magulay
(V. Rajagopala Reddy)
Vice-Chairman (J)

cc.