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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1547/88

New Delhi this the 14th day of December, 1993

CORAM :

THE HON'BLE MR. JUSTICE B. C. SAKSENA, VICE CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Jagdhir Singh S.I. No.D-1452,
S/O Late Sh. Charan Singh,
R/O Village Niloti,
P.O. Nangloi, Delhi-41.

... Applicant

By Advocate Shri A. S. Grewal though
none present

Versus

1. Union of India through the
Secretary, M/O Home Affairs,
Govt. of India, New Delhi.
2. Lt. Governor through the
Chief Secretary, Delhi
Administration, Delhi.
3. Commissioner of Police,
P.H.Q., M.S.D. Building,
I.P. Estate, New Delhi.
4. Deputy Commissioner of Police,
North Distt., Near P.S. Civil
Lines, Delhi.
5. Shri B. S. Tyagi,
ACP/HQ, North Distt.,
Enquiry Officer.

... Respondents

By Advocate Shri B. R. Prashar

O R D E R (ORAL)

Hon'ble Mr. Justice B. C. Saxena --

The applicant who is a Sub Inspector in the
Delhi Police, has filed this application seeking the
following reliefs :-

Quashing of the order dated 11.9.1986 by which
departmental proceedings were initiated against the
applicant during the pendency of a criminal case
under Sections 92/93/97 of Delhi Police Act, which,

Bent.

at the time of filing the O.A. was pending in the Court of the Metropolitan Magistrate (M.M., Delhi. The applicant has also sought quashing of the summary of allegations and the charges as also the findings of the inquiry officer and the show cause notice issued on the basis of the findings of the inquiry officer. The applicant has further, in alternative, prayed that the final decision on the show cause notice proposing the punishment of dismissal from service be stayed till the decision of the criminal case pending against the applicant. The respondents have filed a reply to the O.A.

2. The case was called out twice. None appeared on behalf of the applicant. Shri B. R. Prashar, learned counsel, however, appeared for the respondents. We have gone through the pleadings and heard the learned counsel for the respondents. From the reply, it appears that a criminal case was instituted against the applicant which resulted in a fine of Rs.40/- imposed by Shri D. C. Anand, M.M., Tis Hazari, Delhi. The applicant did not pay the fine and the M.M. ordered three days' simple imprisonment. It appears that the applicant had filed an appeal against the judgment of the M.M. in the court of Sub Judge, Delhi. Shri Prashar is not in a position to indicate the fate of the said appeal. The main plea of the applicant is that the departmental proceedings should not be permitted to go on simultaneously with the criminal proceedings. That stage is now over.

Bcr

3. As noted hereinabove, the applicant has been punished in the criminal case. The show cause notice was issued but there ^{was} is no interim order by the Tribunal and may be, by now, a final order in the departmental proceedings have been passed against the applicant. If that be so, then the applicant has the remedy of filing a departmental appeal against the said order of punishment and he can take up the very same pleas which have been advanced in this O.A. However, we do not find any merit in the pleas taken in the application. On the basis of the misconduct though the delinquent may be facing criminal proceedings, for the same, departmental proceedings can also be initiated. Since there is no interim order and this application was filed at the stage when a show cause notice proposing the punishment of dismissal from service was given to the applicant, we are of the opinion that the application itself being filed at a stage when no final order of punishment had been passed against the petitioner, could not have been maintainable.

4. In view of the discussion hereinabove, the application lacks merit and it is dismissed accordingly. However, in the circumstances of the case, there shall be no orders as to costs.

S. R. Adige
(S. R. Adige)
Member (A)

B. C. Saksena
(B. C. Saksena)
Vice-Chairman (J)

/as/