

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. O.A. 1563/88.

DATE OF DECISION: 14.5.93

Prem Chand.

... Petitioner.

Versus

Union of India & Ors.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN(J).
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioner.

Shri Shanker Raju, Counsel.

For the Respondents.

Shri Mukul Dhawan, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice S.K. Dhaon,
Vice Chairman(J))

The petitioner is facing a trial in a competent court for criminal
an alleged offence u/s 279/304A IPC. The departmental proceedings
have been initiated and they are continuing. We have seen the
summary of allegations for the purpose of the departmental enquiry
and we are satisfied that the allegations in the charge-sheet given
to the petitioner in the criminal trial are substantially the
same as given in the summary of allegations of the departmental
enquiry. There is a possibility of the petitioner being prejudiced
in the criminal court if he is compelled to disclose his defence.
Therefore, this is a fit case where the departmental enquiry should
be kept in abeyance till the decision of the criminal court. We
accordingly direct that the departmental enquiry shall be kept in
abeyance till a final order is passed by the competent criminal
court. If the petitioner is convicted by the criminal court, that
may be the end of the matter. If, however, he is acquitted, it would
be open to the authority concerned to reconsider the case of the
petitioner and the departmental enquiry may commence.

2. With these directions, this application is disposed of finally with no order as to costs.

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

SMJ
(S.K. DHAON)
VICE CHAIRMAN(J)

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