

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

REGN.NO. CA 1851/88

Dated: 27.9.1988

Shri Prem Singh

Applicant

Vs.

Director, Delhi Energy Development
Agency, Delhi Administration, ***** Respondents
Delhi & others

Coram: Hon'ble Mr. P.K.Kartha, Vice-Chairman
Hon'ble Mr. Kaushal Kumar, Member

For the Applicant

***** Shri B.R.Saini, Counsel

(Order of the Bench delivered by Hon'ble
Mr. Kaushal Kumar, Member)

This is an application filed by the applicant,
who is a Driver in the Delhi Energy Development Agency,
Delhi Administration challenging his suspension and depart-
mental inquiry proceedings on the ground that he is being
prosecuted in a criminal case also at the same time in the
Court of Metropolitan Magistrate, New Delhi.

2. We find that the charges in the departmental
action are different from the offences for which the applicant
is being prosecuted in the criminal court. The articles of
charge framed against the applicant as indicated in the
Annexure ~~A-1~~ to the Memorandum at Annexure A-2/reads as
follows:-

- " 1. That Shri Prem Singh, Driver of Vehicle No.
DIZ-30 of Delhi Energy Development Agency
unauthorisedly and without any permission of
the authorities carried and said vehicle
after office hours on 11.3.86.
2. The conduct of said Shri Prem Singh for
carrying the Agency vehicle after office
hours without the permission of the authoriti-
es is highly objectionable and is thus un-
becoming of his being an employee of Delhi
Energy Development Agency and is in contra-
vention of Rule 3 of the C.C.S. (Conduct)

Rules, 1964 made applicable to this Agency."

3. On the other hand the criminal prosecution is in respect of offences under Sections 279/337/304-A IPC. These offences are not remotely connected to the subject matter of the charges in the departmental inquiry and will not prejudice the defence of the applicant in the criminal prosecution. The present application under Section 19 of the Administrative Tribunals Act, 1985 is premature.

4. The suspension of the applicant cannot be held to be illegal since departmental proceedings are presently going on against him.

5. Accordingly, the present application is dismissed. However, this will not preclude the applicant from challenging the outcome of the departmental action, if so advised.


(KAUSHAL KUMAR)
MEMBER

27.9.1988


(P.K.KARTHA)
VICE CHAIRMAN