

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1065 1987.
T.A. No.

DATE OF DECISION August 3, 1987.

Shri Pratap Singh Petitioner

Shri A.S. Grewal, Advocate for the Petitioner(s)

Versus

Union of India and others, Respondent s.


None. Advocate for the Respondent(s)

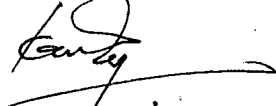
CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman .

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether to be circulated to other Benches? No


(Kaushal Kumar)
Member
3.8.1987.


(K. Madhava Reddy)
Chairman.
3.8.1987.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. OA 1065/1987.

August 3, 1987.

Shri Pratap Singh ... Applicant.

Vs.

Union of India and others ... Respondents.

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

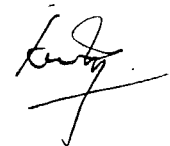
For the applicant ... Shri A.S. Grewal, counsel.

(Judgment of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman).

The applicant, Shri Pratap Singh, S.I. of Police is placed under suspension pending a criminal case against him. Departmental proceedings were also initiated against him. In this application under Section 19 of the Administrative Tribunals Act, 1985, he prays that the departmental proceedings be held in abeyance till the final decision of the criminal case, that the D.C.P. be ordered to increase the subsistence allowance and that the departmental enquiry may be entrusted to an Enquiry Officer other than from Special Branch and C.I.D. (Crime Branch).

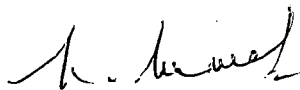
All that has happened so far is that memo of charges along with statement of imputation has been served on the applicant. The applicant has not yet submitted his written statement in defence. He has requested for certain documents which have not yet been

furnished. The enquiry has not progressed any further. His apprehension is that if the enquiry is allowed to be proceeded with by an Enquiry Officer of Special Branch and CID (Crime Branch), it may not be fair. At this stage, at best this is only an apprehension and is not based on any thing that has happened during the course of the enquiry. Merely because certain documents are not furnished forthwith as requested by the applicant, that cannot be a ground for changing the Enquiry Officer. However, so long as the applicant is placed under suspension, the respondents are under obligation to pay the subsistence allowance as admissible under the Rules. If the period of suspension is unduly prolonged, that may furnish the applicant a valid ground for enhancing the subsistence allowance and even revoking the suspension. But that is not the subject matter of this application. While there shall be directions to pay the subsistence allowance as per Rules, at this stage, we do not deem it necessary to issue any directions to change the enquiry officer. But the respondents shall be directed to pay the subsistence allowance as admissible under the Rules. We, however, make it clear, that if the charges in the criminal case and the disciplinary proceedings are identical and the applicant feels that disclosure of his defence will prejudice him, he is entitled to raise the same before



the disciplinary Authority or the enquiry officer as the case may be and it would be obligatory for them to decide that objection at the outset before proceeding with the enquiry.

This application is dismissed as premature and nothing said herein would prevent the applicant from moving the Tribunal at appropriate stage if there are any grounds.



(Kaushal Kumar)
Member
3.8.1987.



(K. Madhava Reddy)
Chairman
3.8.1987.