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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 1941/90

Date of decision. 02.04.1992.

Shri Naresh Kumar

...Applicant

Vs.

Union of India

...Respondents

For the Applicant

...Shri A.S.

Grewal, Counsel

For the Respondents

...Mrs. Avnish

Ahlawat, Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Shri
P.K. Kartha, Vice Chairman(2))

We have heard the learned counsel of both parties. The applicant is working as a Constable in the Delhi Police. He is facing a criminal trial as well as a departmental enquiry simultaneously. He is presently under suspension.

2. On 20.9.1996, the Tribunal passed an interim order restraining the respondents from proceeding with the conduct of the departmental enquiry against the applicant. This order followed the submission made by the learned counsel for the applicant that the facts in the criminal case and in the departmental enquiry are identical and that the parallel enquiry was improper. It was the respondents' would seriously prejudice his defence in the criminal case.

3. The learned counsel for the respondents stated that the charges in the departmental enquiry and in the criminal trial are distinct and separate and that there is no legal bar to both the proceedings being conducted simultaneously.

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4. After going through the records of the case, we are satisfied that the charges in both the proceedings are distinct and separate and that there is no justification in staying the departmental enquiry on the ground of any prejudice to the applicant in the criminal case.

5. In view of the foregoing discussion, we hold that the applicant is not entitled to the main relief sought in the present application for quashing the departmental enquiry. We, however, direct that the respondents shall conduct the departmental enquiry as expeditiously as possible and pass final orders thereon. We also direct that the applicant should fully cooperate in conducting such an enquiry. After the final orders in the departmental enquiry are passed, if the applicant feels aggrieved, he will be at liberty to file a fresh application in the Tribunal in accordance with law, if so advised.

5. The interim order already passed on 28.09.90 and continued thereafter is vacated with the aforesaid observations and directions.

There will be no order as to costs.

Anusagat

(A.B. GORTHI)
MEMBER(A)
02.04.1992

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(P.K. KARTHA)
VICE CHAIRMAN(J)
02.04.1992