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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 2248/90

New Delhi this the 5th day of December, 1994

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN  
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER(A)

1. Shri Des Raj S/O Shri  
Ram Sarup,  
R/O House No. 26,  
Sarai Kaley Khan,  
New Delhi.
2. Shri Anil Kumar S/O Shri  
Gyanendra Singh,  
R/O Barrack No.2,  
New Police Lines,  
Kingsway Camp,  
Delhi. ... Applicants

( By Advocate Shri Ajit Singh Grewal )

Versus

1. Commissioner of Police, Delhi,  
Delhi Police Headquarters,  
M.S.O. Building, I.P. Estate,  
New Delhi.
2. Deputy Commissioner of Police,  
1st Bn. D.A.P. Delhi,  
New Police Lines,  
Kingsway Camp, Delhi.
3. Enquiry Officer,  
Inspector 1st Bn. DAP,  
New Police Lines,  
Kingsway Camp, Delhi. ... Respondents

( By Advocate Shri T. S. Oberoi, proxy for  
Shri Anoop Bagai, Adv. )

O R D E R (ORAL)

Shri Justice S. C. Mathur --

The applicants who were Constables in the Delhi Police, approached this Tribunal seeking quashing of the summary/allegations dated 10.10.1990 and of charge dated 16.10.1990. The quashing of these two items was sought on the ground that the applicants were facing criminal charge also in respect of the

2

same matter. The submission of the applicants was that in respect of the same matter, there could not be simultaneously disciplinary proceedings as well as criminal trial.

2. The application has been opposed on behalf of the administration. The learned counsel for the administration pointed out that the applicants are not being proceeded against departmentally for the offence for which they are being tried in the criminal court, but the departmental proceedings are confined to their unauthorised absence.

3. We have gone through the summary of allegations and the charge, and we find substance in the submission of the learned counsel for the respondents. In the charge (Annexure 'D'), it is mentioned that the applicant was found absent on 5.10.1990 when checking was made by SI Jugti Ram of C.P. Reserve Vijay Ghat at about 10.55 p.m. It is of course stated in the charge that during the period of unauthorised absence, the applicant committed offence punishable under Section 384 I.P.C. in respect of which F.I.R. No. 331/90 was lodged. Reference to the criminal case is only to indicate to the applicant the utilisation of time during the period of absence. The facts on the basis of which F.I.R. had been lodged have not at all been indicated in the charge. Obviously, the administration is not proceeding to investigate the facts on the basis of which the F.I.R. has been lodged.

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4. In our opinion, the present application is absolutely misconcieved. The applicant obtained interim order which resulted in the disciplinary proceedings being held-up.

5. In view of the above, the application is dismissed, but without any orders as to costs. Interim order, if any operating, shall stand discharged.

*P. T. Thiruvengadam*

( P. T. Thiruvengadam )  
Member (A)

*S. C. Mathur*

( S. C. Mathur )  
Chairman

/as/