

In the Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1753/91

Date of decision: 16.04.1993.

Shri Rajbir Singh

...Petitioner

Versus

Commissioner of Police & Others

...Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)
The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner

Shri A.S. Grewal, Counsel.

For the respondents

Ms. Geeta Luthra, Counsel.

Judgement(Oral)
(Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

By the order dated 26.6.1991 the Deputy Commissioner of Police, IIIrd Bn. D.A.P. Delhi initiated departmental proceedings against the petitioner. The allegation in the order is that the petitioner who was then posted as a Head Constable was negligent in discharge of his duties. At that stage a F.I.R. too had been lodged. The petitioner came to the Tribunal by means of this O.A. with the prayer that the departmental proceedings should not take place on account of the alleged pendency of the criminal case against him.

2. A reply has been filed on behalf of the respondents. There is nothing on record to suggest that the petitioner is facing any criminal trial before any competent criminal Court with respect to the allegations made in the chargememo given to him. Probably, the petitioner was advised that criminal proceedings against him had commenced as a F.I.R. had been registered.

3. We are satisfied that no valid ground was in existence when the petitioner approached the Tribunal with this O.A. and there is no change in the situation even now. It is argued that the departmental proceedings cannot go on since the sanction of some higher authority was to be taken before initiating the disciplinary proceedings. We are not inclined to go into that question at this stage. It will be open to the petitioner to raise this plea in the departmental proceedings. The application, therefore, fails and is dismissed. The interim order already passed is vacated.

4. There shall be no order as to costs.

Delwarkh
(I.K. RASGOTRA)
MEMBER(A)

S.K. Dhaon
(S.K. DHAON)
VICE-CHAIRMAN

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