

In the Central Administrative Tribunal

Principal Bench: New Delhi

OA No.2128/91

Date of decision: 29.03.1993.

Shri Balkishan & Others

...Petitioners

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 petitioners

Shri A.S. Grewal, Counsel.

For the respondents

Shri Dinesh Kumar, Counsel.

Judgement(Oral)

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

The petitioners are facing criminal trial for the alleged offences committed by them under Section 223/224 of Indian Penal Code. During the pendency of the said trial departmental proceedings have been initiated against them. According to them, their interest would be seriously prejudiced if the criminal proceedings and the departmental proceedings go on simultaneously. Their case is that the subject matter of the criminal proceedings is substantially the same.

2. We have perused the charge memo given to the petitioners. Prima facie their grievance appears to be genuine. Therefore, interest of justice demands that the departmental proceedings should remain in abeyance till the termination of the criminal proceedings. We order accordingly. We make it clear that it will be open to the department to continue with the departmental proceedings as against the applicant after the culmination of the criminal proceedings.

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3. With these observations this Application is disposed of finally. There shall be no order as to costs.

I. K. Rasgotra
(I.K. RASGOTHA)
MEMBER(A)

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

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