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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 294/1991

Date of decision:30.03.1993

Shri Mushtaq Ali

...Applicant

Versus

Commissioner of Police & Others

...Respondents

For the Applicant

...None.

For the Respondents

...Shri Pawan Bahl, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A)

1. To be referred to the Reporters or not?

JUDGMENT(ORAL)

(of the Bench delivered by Hon'ble Mr. Justice
S.K. Dhaon, Vice Chairman(J))


The applicant who is an Assistant Sub-Inspector in the Delhi Police is facing a criminal trial under Section 409 of the Indian Penal Code. The allegation appears to be that in his official capacity he was entrusted with a service revolver, which has either been lost by him or which is being wilfully retained by him and not being returned to the Department. Departmental proceedings have been initiated against him. A true copy of the summary of the allegations is before us in the form of Annex. 'B' to the application.


2. Having perused the contents of the summary of the allegations, we are satisfied that this is a case where the applicant may be prejudiced in his criminal trial if departmental proceedings are
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continued. We accordingly direct that the departmental proceedings shall be kept in abeyance till the final disposal of the criminal case under Section 409 of the IPC. It will be open to the department to continue with the departmental proceedings after the culmination of the criminal proceedings.

3. With these directions, this application is disposed of finally. There shall be no order as to costs.


(I.K. RASGOTRA)
MEMBER (A)
30.03.1993


(S.K. DHAON)
VICE CHAIRMAN
30.03.1993

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