

Central Administrative Tribunal, Principal Bench

Original Application No. 1549 of 2004

New Delhi, this the 5th day of July, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member (A)

Shri Roop Chand (Group 'C' Kanungo)
S/o Shri Ram Gopal,
R/o H.No. 544, Badiyan,
Palam, Delhi.

...Applicant.

(By Advocate: Shri R.K. Shukla for
Shri Nitendra Sharma)

Versus

1. Chief Secretary, G.N.C.T., Delhi.
Delhi Sachivalya,
Delhi
2. Divisional Commissioner,
Sham Nath Marg,
Delhi-54.
3. A.D.M. HQ
Syam Nath Marg,
Delhi-54.
4. Enquiry Officer
Office of Div. Commissioner
Sham Nath Marg,
Delhi-54.

....Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By virtue of the present application, the applicant seeks to set aside the orders of 5.11.1992 and 6.9.2000.

2. Some of the relevant facts are that in the year 1992, a First Information Report was lodged against the applicant pertaining to an offence punishable under Section 294 of the Indian Penal Code. Departmental proceedings as well as criminal proceedings were initiated against the applicant. The applicant had filed OA 516/1993 for staying the disciplinary proceedings on the same allegations on

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which criminal charge was pending. The said petition, however, was dismissed in default but the respondents kept the departmental proceedings in abeyance during pendency of the criminal trial. The applicant ultimately has been acquitted by the Court of Competent Jurisdiction.

3. Vide the order of 6.9.2000, the respondents have again resumed the disciplinary proceedings which had been kept in abeyance.

4. By virtue of the present application, the applicant seeks quashing of the said order of 6.9.2000 resuming the disciplinary proceedings.

5. At this stage, we make it clear that we are not expressing any opinion on the merits of the matter. The sole question that craves for an answer is as to whether the disciplinary proceedings that have been revived, can be continued or not.


6. Sequence of events clearly shows that departmental proceedings were stayed because of pendency of the criminal case. After completion of the same, the disciplinary proceedings have been started. We find nothing illegal in this regard and thus the impugned order necessarily must be sustained.

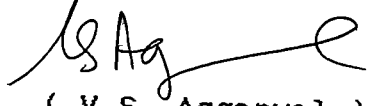
7. Pertaining to the controversy as to what is the merit of the disciplinary proceedings, the applicant would be at liberty to take all legal and factual pleas available

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in law before the disciplinary authority. Subject to
aforesaid, the O.A. is disposed of.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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