

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.2732/92

This the 2nd day of December, 1997.

(18)

HON'BLE DR. JOSE P. VERGHSE, VICE CHAIRMAN (J).

HON'BLE MR. N. SAHU, MEMBER (A).

Shri Rajbir Singh,
S/o Sh. Bhagwan Sahai,
R/o C-151, Gali No.12,
North Gonda,
Delhi-110053.

..... Applicant

(By Advocate Shri G.D.Gupta)

Versus

1. Union of India,
through the Secretary,
to the Govt. of India,
Ministry of Home Affairs,
New Delhi.
2. Delhi Administration,
through its Chief Secretary,
5, Sham Nath Marg,
Delhi.
3. The Commissioner of Police,
Police Head Quarters.
M.S.D. Building,
I.P. Estate,
New Delhi.
4. The Additional Commissioner
of Police (R)
Police Headquarters,
M.S.D. Building,
I.P. Estate,
New Delhi.
5. The Deputy Commissioner
of Police,
South-West District,
New Delhi.
(By Advocate Sh. Amresh Mathur)

.... Respondents

ORDER (Oral)

By Hon'ble Dr. Jose P. Verghese, VC (J).

The petitioner in this case is seeking a
direction from this Court to stay the departmental

proceedings initiated against the applicant on the ground that subject matter of the said proceedings and the criminal prosecution which is pending against him, are almost identical and if the disciplinary proceedings are permitted to continue, his defence in the criminal trial will be highly prejudiced and his defence stand exposed during the departmental proceedings. (19)


2. It was pointed out to us that 4 other policemen involved in the same incident had approached this Court for grant of same relief and the enquiry against them has been stayed by this Court by an order dated 1.12.94. It was also stated that the stay against the disciplinary proceedings granted as an interim measure, is still subsisting in this case.

3. The learned counsel for the respondents submitted that charge in the case is separable from the charge in the criminal trial and continuance of the disciplinary proceedings may not prejudice or expose the defence of the applicant.


4. On perusal of the list of witnesses, the F.I.R. and other relevant documents, we are of the opinion that what is sought to be proved in this disciplinary proceedings is very much the same as what is sought to be proved in the criminal trial. We are of the firm opinion that the relief granted in the previous OAs namely OA-1427/94 can be safely granted to the applicant in this OA as well.

5. In the circumstances this O.A. is allowed to the extent that the disciplinary proceedings against the applicant stands deferred till the criminal trial comes to an end and till appropriate

orders to initiate disciplinary action against the applicant in accordance with the rules are passed by the respondents after conclusion of the criminal case. With this, the O.A. is disposed of. No order as to costs.


(N. SAHU)
M(A)

RB.


(DR. JOSE P. VERGHESE)
VC(J)