

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

* * *

9

Date of Decision: 21.04.93

OA 393/92

SHREE BHAGWAN

... APPLICANT.

Vs.

DELHI ADM. & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE S.K. DHAN, VICE CHAIRMAN.
HON'BLE SHRI S.R. ADIGE, MEMBER, (A).

For the Applicant

... SHRI SHYAM BABU.

For the Respondents

... Ms. P. BENIWAL,
proxy counsel for
Shri J.P. Singh.

J U D G E M E N T (ORAL)

(DELIVERED BY HON. MR. JUSTICE S.K. DHAON, VICE CHAIRMAN)

The applicant has prayed in this application that the departmental proceedings initiated against him may either be quashed or kept in abeyance till the decision by the competent criminal court, before which he has been prosecuted for offence under Section 392 of the Indian Penal Code.

A copy of the challan filed in the criminal court is filed before us in the form of Annexure-B to the application. We have perused the same. We have also perused the order dt. 29.1.92 issued by the Dy. Commissioner of Police directing that the departmental proceedings should be initiated against the applicant. The foundation of the aforesaid order is based substantially on

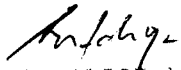
87

10

the same facts which are the subject matter for investigation in the criminal court. In these circumstances, the petitioner is bound to be prejudiced in his defence before the criminal court, if the departmental proceedings are allowed to continue.

We accordingly direct that the departmental proceedings shall be kept in abeyance till the decision of the competent criminal court. If the petitioner is acquitted, it will be open to the authority concerned to consider whether it would be desirable to be continued with the departmental proceedings.

With these directions, this application is disposed of finally but without any order as to costs.


(S.R. ADIGE)
MEMBER (A)
21.04.93


(S.K. DHAON)
VICE CHAIRMAN
21.04.93