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In the Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 1129/92

Date of decision: 16.04.1993.

Shri Jeet Singh Joon

...Petitioner

Versus

Additional Commissioner of Police & Anr.

...Respondents

Coram:-

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

The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner

Shri Shankar Raju, Counsel.

For the respondents

Ms. Geeta Luthra, Counsel.

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

Departmental proceedings were initiated against the petitioner by order dated 6.12.1991 passed by the Additional Commissioner of Police. At that stage, the petitioner came to this Tribunal with this O.A. and obtained an interim order to the effect that the final order in the disciplinary proceedings will not be passed.

2. A counter-affidavit has been filed on behalf of the respondents. Counsel for the parties have been heard.

3. It appears that the subject matter of the departmental proceedings is a complaint filed by one lady wherein the allegation is that the petitioner, in his capacity as S.H.O., Trilok Puri, took the law in his hands and threw away some persons from certain premises. It also appears that on 24.8.1991, A.S.I. Sita Ram lodged the F.I.R. making certain allegations against Shri Surinder Kumar Gupta. The gravamen of the allegation in this report is that Shri Gupta interfered with the working of the Policemen while on duty and also beat them.


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10

4. We have gone through the F.I.R. very carefully. We find that there is no allegation whatsoever against the petitioner in that report. Prima facie, it appears to us that the petitioner will not be at all prejudiced if the disciplinary proceedings are allowed to continue inspite of the pendency of the criminal case in the criminal Court. We are, therefore, not inclined to interfere at this stage.

5. It has been brought to our notice by the learned counsel for the applicant that on 3.7.1992 an order has been passed by the S.O. on behalf of the Additional Commissioner of Police to the effect that departmental proceedings as against the petitioner shall remain stayed till the decision of the criminal case filed against Shri Gupta. Be that as it may, we are not expressing any opinion on the legality of the said order. It will be open to the department to stay the proceedings. However, we make it clear that the proceedings shall not remain stayed on account of any interim order passed by this Tribunal.

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


(I.K. RASGOTRA)
MEMBER(A)


(S.K. DHAON)
VICE-CHAIRMAN

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