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Additional Deputy Commissioner of Police (Annexure-G) for staying the departmental proceedings. This representation is undated and there is no averment in the application also as to when this representation was submitted to the authorities. The learned counsel, however, informed that it was given sometime in the month of July, 1993. This application has been filed on 13th July, 1993 in which the applicant has prayed for the grant of relief that the respondents be directed to stay the parellel departmental proceedings initiated vide order dated 10.12.92 and quash the summury of allegations dated 24.12.92 as well as the charges framed against the applicant.

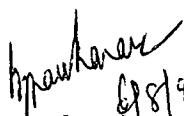
We have heard the learned counsel at length and perused the records. In fact in the case of Bishweshar Dube V/s U.O.I. (AIR 1988), the Hon'ble Supreme Court clearly laid down that <sup>by straight</sup> no ~~stay~~ jacket formula <sup>is</sup> laid down as to <sup>in</sup> which of the cases, the departmental proceedings <sup>can be</sup> stayed in the event the parellel criminal proceedings are pending in the criminal court. It is observed by the Lordship that it depends on the circumstances and facts of each case. In fact, the running of the parellel proceedings <sup>is</sup> ~~is~~ not favoured judicially <sup>in certain cases</sup> because the delinquent may be prejudiced in his defence <sup>in</sup> that he has to appear as an accused to defend himself in the criminal court. In the present case, almost the enquiry is complete and only the disciplinary authority has to apply their mind regarding final order to be passed either acquitting the applicant or otherwise penalising him. Thus, this case does not go within the orbit of those case where a direction can be issued to the

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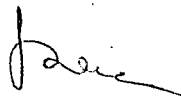
(A)

respondents not to proceed with the departmental enquiry. The learned counsel, however, referred to a decision in OA 3123/92 (Sh. Dharambir Shokeen & Ors. Vs. U.O.I.) decided on 20.04.93 by the Principal Bench in which one of us (J.P. Sharma) was a party, an order of stay in the criminal proceedings was passed and the OA was disposed of with the same direction to the respondents. We have perused the judgement annexed with the application and in that case the departmental enquiry had not commenced and was at the stage of service of a summary of allegations against the applicant in that case. Thus, the judgement therefore, does not help the applicant.

In view of the fact, we find no substantial point to admit this application and dismiss the the same at the admission stage with the liberty to the applicant to assail the final order if he is aggrieved by the same according to law.

  
(S. Gurushankaran)

Member (A)

  
(J.P. Sharma)

Member (J)