

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.1978/93

Date of decision: 22.09.1993.

Shri Jai Charan Verma

...Petitioner

Versus

Union of India through
Delhi Administration & Others

...Respondents

Coram: The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

Shri Umesh Mishra, Counsel.

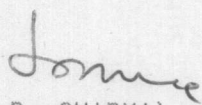
Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

We have heard the learned counsel for the petitioner. The case of the petitioner is that vide order dated 27.8.93 a regular departmental enquiry has been ordered by the disciplinary authority in connection with certain incident which took place and which is subject matter of FIR No.129 under Section 506 IPC. The learned counsel for the petitioner submits that if the departmental enquiry is allowed to proceed he will have to disclose his defence in the case which is to be launched in the criminal case and that will adversely affect him.

2. We have considered the submissions made by the learned counsel for the petitioner. We find that only a FIR has been filed and the case is at the investigation stage. No chargesheet has been filed in the Court against the petitioner nor has been any summary of allegations issued in the departmental proceedings ordered vide order dated 27.8.93. In the circumstances, it cannot be said that there are simultaneous disciplinary proceedings that the criminal case going on and which would adversely affect the case of the petitioner. Regarding the disclosure of the defence we note that the petitioner was taken in custody and was bailed out vide order dated 23.4.93. While filing the bail application the petitioner would have in any case

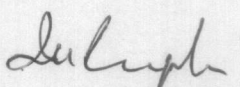
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disclosed the grounds. In these circumstances, no prejudice is caused to the petitioner at the present stage. The application is pre-mature and is accordingly dismissed at the admission stage itself. The petitioner, however, is not precluded from approaching the Tribunal at the appropriate stage, if he is aggrieved by any order passed by the respondents.


(J.P. SHARMA)

MEMBER(J)

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(I.K. RASGOTRA)

MEMBER(A)