

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No.2054 of 1993

New Delhi this the 25th day of January, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.N. Dhoundiyal, Member

Shri Vijay Singh
R/o 10-D Thomson Road,
Ajmere Gate,
Delhi.

...Petitioner

By Advocate Shri Ashish Kalia

Versus

1. The Commissioner of Police,
P.H.Q. Building,
I.P. Estate,
New Delhi-110002.

2. The Deputy Commissioner of Police,
DAP, 5th Bn, Kingsway Camp,
Delhi-110019.

..Respondents

By Advocate Shri Anoop Bagai

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

Departmental proceedings under the Delhi Police Act and the rules framed thereunder have been initiated against the petitioner, a Constable in the Delhi Police. The charge in the departmental proceedings relates to a certain incident which took place on 01.05.92. This incident was reported under FIR No.270 of 1992 dated 01.05.92. After the investigation of the case, a charge-sheet has been submitted in a competent criminal court and in that charge-sheet, the petitioner is cited as an accused. The prayer is that the departmental proceedings may be directed to be stayed till the culmination of the criminal proceedings.

2. We have gone through the charge-sheet which has been produced before us in the form of an Annexure. We have also gone through the order dated 10.02.1993 passed by the Deputy Commissioner of Police as well as the summary of allegations. It appears to us that the charges, as contained in the

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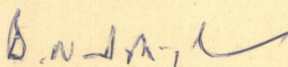
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
.2.

charge-sheet, are similar to the charges which are being levelled against the petitioner in the departmental proceedings. Therefore, there can be no getting away from the fact that, if the petitioner is compelled to disclose his defence in the departmental proceedings, there is every likelihood of his being prejudiced in the criminal trial. It is trite law that in a criminal case, the accused is entitled to merely plead his innocence and the charge has to be proved beyond any shadow of doubt whereas in a departmental proceeding the rule of evidence, which is applicable, is preponderance of probabilities.

3. Having considered the matter carefully, we feel that it will be in the interest of justice that the departmental proceedings should remain in abeyance till the culmination of the criminal trial, which the petitioner is facing in a competent criminal court. We order accordingly. If the petitioner is convicted, that may be the end of the matter. If, however, he is acquitted, it will be open to the respondents to continue with the departmental proceedings, if they are so advised.

4. With these observations, this O.A. is disposed of finally. There shall be no order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)
25.01.1994


(S.K. DHAON)
VICE CHAIRMAN
25.01.1994

RKS