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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 2588 of 1993

New Delhi this the 8th day of April, 1994

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

Shri Khazan Singh
R/o 296/2 Bagh Kare Khan,
Delhi.

...Applicant

By Advocate Shri Ashish Kalia

Versus

1. Union of India through
The Commissioner of Police "CID",
P.H.Q. MS Building,
I.P. Estate,
New Delhi-110002.
2. The Deputy Commissioner of Police,
DE Cell (Vigilance)
1st Floor,
P.S. Defence Colony,
New Delhi.

...Respondents

By Advocate Shri Amresh Mathur

ORDER (ORAL)

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

The applicant, an Inspector in the Delhi Police is facing a departmental enquiry. He is simultaneously facing a criminal trial in the competent criminal court. He has come to this Tribunal with the prayer that, the subject matter of the departmental enquiry being similar to the subject matter of the criminal case, the departmental proceedings may be quashed.

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

3. We have perused the contents of the charge-sheet furnished against the applicant and we have also perused the contents of the charges levelled against him in the departmental enquiry. We are satisfied that the charges on which the applicant is facing a criminal trial are similar to the charges on which he is facing a departmental enquiry. In these circumstances, there is likelihood of the applicant being prejudiced in the criminal trial if he is compelled to disclose his defence in the departmental enquiry. This

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should not be permitted.

4. We accordingly direct that the departmental enquiry shall be kept in abeyance till the culmination of the criminal trial pending against the applicant. If the applicant is acquitted, it will be open to the authority concerned to make up its mind as to whether it is desirable to proceed with the departmental enquiry. If the applicant is convicted, that may be the end of the matter.

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


(B.K. SINGH)
MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN

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