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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 2656/93

New Delhi, dated the 14th July, 1994

Hon'ble Sh. N.V.Krishnan, Vice Chairman(A)

Hon'ble Smt.Lakshmi Swaminathan, Member(J)

Shri Anoop Kumar
R/O E-299, Subhash Vihar,
Delhi-110053.

... Applicant

(By Advocate Sh.M.L. Chawla with
Sh.S.L. Lakhnpal)

Versus

1. The Commissioner of Police,
Police Headquarters, I.T.O.
I.P. Estate, New Delhi.
2. Deputy Commissioner of Police,
North East District, Delhi.

... Respondents

(By Advocate Sh. Anoop Bagai)

ORDER (ORAL)

(Hon'ble Sh. N.V.Krishnan, Vice Chairman (A))

Applicant is aggrieved by the Disciplinary
proceedings initiated against him by the order dated
24.11.93 (Ann.A.1) followed by Ann.A.2 summary of
allegation on the ground that in respect of the same
incident a criminal case has been Regd. under
FIR No. 428/93 U/S 384/506/34 IPC and challan
has been presented in the Court of Metropolitan
Magistrate, Tis Hazari Court in Sept., 1993.

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2. Respondents have not filed a categorical reply

as to whether the proceedings are parallel. They also rely on the Ann.1 circular dated 28.6.86 by the Commissioner of Police.

3. In our view there can be no general guideline

in this regard. Each case has to be examined on merits to see if continuance of a Departmental Enquiry proceeding will prejudice the employer in the criminal case instituted against him. Hence, reliance on the circular dated 28.6.86 is of no ~~avail~~.

4. We have seen the relevant documents. The

summary of allegations dated 6.12.93 (Ann.A.2) reads as follows:-

" It is alleged against you, Const. Aneop Kumar No.947/NE that from the perusal of PE report submitted by Insp. vigilance, North East Distt. it reveals that you, Const. Aneop Kumar No.947/NE along with your other associates harassed one Ashok Kumar r/o permanand Colony, Mukherji Ngr. Delhi-9 and demanded Rs 1½ lac saying that he is running " SATTA" for the last 6 years and that he will be arrested in this case. Subsequently after some negotiations you accepted Rs 80,000/- from him. Later on, you were arrested in case FIR No.428/93 U/S 384/506/34 IPC P.S. Kashmere Gate on the complaint of one Shri Ashok Kumar.

The above act on your part (Const. Aneop Kumar No.947/NE) amounts to grave misconduct of negligence, dereliction in the

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discharge of your official duties unbecoming of a Police Officer which renders you liable for departmental action under Delhi Police (Punishment and Appeal) Rules, 1980."

We notice that the challan dated 27.9.93 before the Court reproduces the FIR filed by the complainant, Ashok Grover. The allegations (i.e. FIR 428/93) on the basis of which challan has been filed are the same in both proceedings and therefore, proceedings with the Disciplinary Enquiry will be prejudicial to the interest of the applicant.

5. The counsel for the respondents however, submits that in any case, there should be no objection to examine the witnesses of the deptt. upto the stage of cross examination. We see no merit in this request. These are parallel proceedings and therefore, the proper order is only to stay the D.E. proceedings till the criminal case is decided.

6. In these circumstances, we dispose of the OA with a direction to the respondents to keep in abeyance the Disciplinary proceedings initiated against the applicant in pursuance of Ann.A.1 order directing disciplinary proceedings followed by the Ann.A.2. Summary of allegation until the criminal case filed against the applicant in respect of FIR 428/93 is disposed of.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (Judicial)

N.V.Krishnan
(N.V.Krishnan)
Vice Chairman (A)