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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.265/93

04.02.1993

Shri Anant Ram ...Applicant

Vs.

Union of India and others ...Respondents

CORAM :

Hon'ble Shri P.C. Jain, Member (A)
Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant ...Shri K.S. Chillar

For the Respondents ...None

JUDGMENT (ORAL)
(Delivered by Hon'ble Shri P.C. Jain, Member (A))

The applicant, who was working as Constable in Delhi Railway Police has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 assailing the order dt.31.12.1992 (Annexure A1) by which a departmental enquiry was ordered to be held against him. Thereafter a summary of allegations dt.27.1.1993 was also served on him along with a list of witnesses etc. The applicant has prayed for that the impugned order dt.31.12.1992 as also the order dt.27.1.1993 by which the summary of allegations, list of witnesses etc. were served on him, be quashed. He has also prayed that the period of suspension from 5.8.1992 to 21.10.1991 be treated as the period spent on duty for all purposes. As an interim relief, he has prayed that the respondents be restrained from proceeding further in conducting the aforesaid departmental enquiry.

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The learned counsel for the applicant contended that as the departmental enquiry is based on the FIR ~~launched~~ ^{lodged} in the same connection, the same cannot be proceeded till the criminal case against the applicant is finally disposed of. He has also placed reliance in this connection on provisions of Article 20 of the Constitution of India. The following two authorities state that the departmental enquiry in accordance with the relevant service rules does not amount to prosecution of a citizen of India twice on the same offence and such a departmental action does not violate the provisions of Article 20(2) of the Constitution of India.

(i) S.C.Venketaraman Vs. Union of India,

AIR 1984 SC 375 (Constitution Bench Judgement)

(ii) Thomas Dana Vs. State of Punjab,

AIR 1985 SC 119.

As regards the contention that the departmental enquiry is on identical allegations, which are the subject matter of the criminal case ~~passed~~ ^{filed} against the accused, we find that a perusal of the summary of allegations does not substantiate the above contention of the applicant.

It is well settled that simultaneous departmental proceedings and criminal trial can legally be held against a Government servant, and as such it cannot be said that there is a case of double jeopardy as is contended by the learned counsel for the applicant.

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As regards the prayer with respect to the suspension period, neither the suspension order nor the order by which the suspension was revoked have been placed on file^a and as such, this prayer cannot be adjudicated upon.

In the light of the foregoing, we see no merit in this OA and the same is dismissed at the admission stage itself without prejudice to the right of the applicant to approach the Tribunal against the final order which ~~may~~ could be passed against him in the disciplinary proceedings at the appropriate time in accordance with law, if so advised.

J. P. Sharma
(J.P. SHARMA)
MEMBER (J)
04.02.1993

C. C.
(P.C. JAİN)
MEMBER (A)
04.02.1993