

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

Date of decision: 7.6.93

OA No. 842/93

Constable Kunwar Pal
vs.

Petitioner

Delhi Administration through
Chief Secretary,
Delhi & ors.

Respondents

CORAM: THE HON'BLE MR. JUSTICE S.K. DHAON, VICE-CHAIRMAN (J)

THE HON'BLE MR. S.R. ADIGE, MEMBER (A)

For the petitioner Ms. Veena Kalra, proxy counsel
for Mrs. Avnish Ahlwat, counsel
For the Respondents ... Sh. Surendra Adhalakha, counsel.

JUDGEMENT (ORAL)

(BY HON'BLE MR. JUSTICE S.K. DHAON, VICE-CHAIRMAN)

The petitioner is one of the three accused in Criminal case No. 113 dated 14.5.92. The allegation is that he along with two others committed an offence under Sections 379/356/34 I.P.C. The prosecution is going on before a competent criminal court. During the pendency of the criminal proceedings, departmental proceedings have commenced on 20.4.93. The summary of allegations made in those proceedings is before us. We have examined the contents of the chargesheet given to the petitioner as well as the contents of the allegations given in the disciplinary proceedings.

We have heard the plea of the petitioner for the parties. It appears to us that the subject matter of the two inquiries is the same. There is likelihood of the petitioner suffering in the criminal case if he discloses his defence in the disciplinary proceedings. Thus, it would be in the interest of justice, if the disciplinary proceedings are kept in abeyance till the decision of the criminal case. We direct accordingly. We make it clear that if the petitioner is convicted, that may be the

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end of the matter. However, if he is acquitted, it will be open to the authority concerned to proceed with the departmental enquiry in accordance with law.

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With these directions, the OA is disposed of finally but with no order as to costs.

S.R. Adige
(S.R. Adige)
Member (A)

S.K. Dhaon
(S.K. Dhaon)
Vice-Chairman (J)

SNS