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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1937/2002

Wednesday, this the 26th day of February, 2003

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. Govindan S. Tampi, Member (A)

ASI Chottey Lal
s/o Late Shri Hukum Singh
r/o B-3, North Chajju Pur,
Shahdara, Delhi-92

..Applicant

(By Advocate: Shri Bhaskar Bhardwaj)

Versus

1. Commissioner of Police
Police Head Qrs.
I.P.Estate, New Delhi
2. Jt. Commissioner of Police
Hqrs., PHQ, I.P.Estate, New Delhi
3. Addl. Commissioner of Police (Estt)
Police Head QRS, IP Estate
New Delhi
4. Asst. Commissioner of Police
HQ, Vigilance
Police Head Qrs. IP Estate
New Delhi

..Respondents

(By Advocate: Shri Harvir Singh)

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J):

The applicant is aggrieved by the order issued by the respondents dated 28.5.1999 by which his name has been removed from the secret list of persons of doubtful integrity w.e.f. 29.12.1998. According to Shri Bhaskar Bhardwaj, learned counsel, this action of removing the applicant's name should have been done w.e.f. 21.5.1992 instead of 29.12.1998, as ordered by the respondents.

2. The brief relevant facts of the case are that the applicant was issued a charge-sheet by issuing a summary of allegations on 4.6.1992 but his name was brought on

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secret list of persons of doubtful integrity vide order dated 28.5.1999. The respondents have stated that this was done on the basis of the Departmental inquiry ordered against the applicant by DCP/East District order dated 16.4.1992. The Departmental inquiry was pending till the decision of the criminal case pending against one SI, Manoj Pant on the same charges. The respondents have submitted that accordingly the applicant's name continued in the secret list upto 21.5.1999. After the decision of the criminal court, the Departmental inquiry was decided by the disciplinary authority vide order dated 29.12.1998 and the applicant was exonerated of the charges. The respondents have submitted that the case of the applicant has been fully considered and there is nothing wrong in the action taken by them in issuing the impugned order dated 28.5.1999.

3. On the other hand, Shri Bhasker Bhardwaj, learned counsel has contended that, in the above circumstances where the Departmental inquiry proceedings have been dropped by the respondents, the name of the applicant should have been ordered to be removed from the secret list of persons of doubtful integrity from the date when the same was brought on list.

4. After careful consideration of the facts and circumstances of the case, we find merit in the contentions of the learned counsel for applicant. From the reply filed by the respondents, it is seen that they had initially taken a decision to bring the name of the applicant in the secret list of persons of doubtful

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integrity vide order dated 21.5.1992 on the basis of the Departmental inquiry ordered to be initiated against him. If that was so, we see no reason why his name should also not be deleted from that list from the same date when the competent authority took a decision vide order dated 29.12.1998 to exonerate him from the charges, on the basis of which the Departmental inquiry was initiated.

5. In this view of the matter, the application succeeds and is allowed with the following directions:-

- i) The impugned order dated 28.5.1999 is quashed and set aside with a direction to the respondents to remove the name of the applicant from the secret list of persons of doubtful integrity w.e.f. 21.5.1992;
- ii) The applicant shall be entitled to consequential benefits, including consideration of promotion to the rank of Sub-Inspector on the basis of the aforesaid revised order, in accordance with law, rules and instructions. This shall be done within a period of three months from the date of receipt of a copy of this order.

No costs.

(Govindan S. Tampi)
Member (A)

/supil/

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)