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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1619 of 2002

New Delhi, this the 14th day of June, 2002

HON'BLE MR. KULDIP SINGH, MEMBER(JUDL)

Madan Mohan Insepctor
137 Mohana Vatika, Lane-1,
Anupam Garden,
New Delhi-110 068.

-APPLICANT

(By Advocate: Shri Arun Bhardaj)

Versus

1. Commissioner of Police,
Police Headquarters,
I.P. Estate,
New Delhi.
2. Additional Commissioner of Police,
Special Branch,
Delhi.
3. Deputy Commissioner of Police,
Special Branch (Cell),
New Delhi.

-RESPONDENTS

(By Advocate: None)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member(Judl)

Heard the learned counsel for the applicant.

2. The applicant has filed this OA agaianst the order dated 23.2.2000 vide which a punishment of forfeiture of one year of approved service for a period of onne year temporaarily entailing proprotionate reduction was imposed. It was further orderd tht the applicanat will not get any increment during the period of reducton and on the expiry of this period the reduction will not have the effect of postponing his future inncrement of pay. The applicant has filed an appeal dated 14.6.2001 which has not yet been decided by the respondents.

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3. This application is filed against the order dated 7.6.2001 vide which the name of the applicant was illegally brought on the secret list of persons of doubtful integrity. The appeal/representation dated 18.7.2001 has also not been disposed of by the respondents. He has also filed this OA against the findings dated 31.7.2000 given by the Inquiry Officer.

4. The brief facts of the case are that the applicant was working as an Inspector in Delhi Police and has served the department with utmost sincerity and devotion and to the entire satisfaction of his superiors. Vide order dated 23.2.2000 a departmental enquiry was illegally initiated against the appellant on the false allegations that he had not registered the case under the appropriate section of the IPC.

5. That on 6.3.2000 a summary of allegations along with the list of 6 witnesses and 11 documents was allegedly issued to the applicant by the Inquiry Officer who ought not to have issued the same as this amounts to performing the role of a PO. That the applicant made requests for supply of certain documents for effective defence and in accordance with the principles of natural justice and necessary for cross-examination of the witnesses.

6. That on 2.5.2000 the Inquiry Officer illegally rejected the application filed by the applicant for supply of the vigilance enquiry report and other documents stating that the documents asked by the applicant are not relied upon. That on 11.5.2000 charge was illegally

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framed against the applicant and by taking into consideration varius extraneous material by the Inquiry Officer. No witness was produced by the prosecution/department in the DE aafter the charge was framed.

7. That on 16.6.2000 the applicaant submitted his defence staatement taking therein various grounds. On 31.7.2000 the Inquiry Officer gave his perverse findings holding the charge proved against the applicant. Thereafter on 22.2.2001 the respondent No.3 passed the impugned order without giving any reasons. It is, therefore, prayed that the OA be allowed and the order dated 7.6.2001 vide which his name has been kept in the secret list may be quashed.

8. I have also heard the learned counsel for the respondents and gone through the reply filed by the respondents.

9. Since the appeal filed by the applicant has not so far been disposed of, so I think that this OA can be disposed of by directing the respondents to dispose of the appeal by passing a reasoned and speaking order in accordance with rule 5 on the subject within a period of two months from the date of receipt of a copy of this order. If thereafter, any grievance survives, it will be open to the applicant to re-agitate the issue by filing a fresh OA. No costs.


(KULDIP SINGH)
MEMBER(JUDL)