

Central Administrative Tribunal
Principal Bench, New Delhi

OA No. 2903/2016

New Delhi, this the 14th day of January, 2020

**Hon'ble Mr. S.N.Terdal, Member (Judicial)
Hon'ble Mr.Mohd. Jamshed, Member (Administrative)**

(By Advocate: Mr. Rajesh Pandey)

Versus

1. Commissioner of Police
Police Headquarter
MSO Building, I.P., Estate
New Delhi.
2. Addl. Commissioner Of Police
Operation: Delhi
Police Headquarter
MSO Building, I.P. Estate,
New Delhi.
3. Addl. Commissioner of Police, PCR
Police Control Room Office Complex
Model Town-II, Delhi-110009.
4. Addl. Dy. Commissioner of Police
General Administration
Police Control Room Office Complex
Model Town-II, Delhi-110009. - Respondents

(By Advocate: Ms. Harvinder Oberoi)

O R D E R (ORAL)

By Hon'ble Mr. S.N. Terdal, Member(J):-

Heard Mr. Rajesh Pandey, learned counsel for the applicant and Ms. Harvinder Obeoi, counsel for the respondents as well.

2. The relief(s) prayed for by the applicant in this OA are as follow:-

- i) The records of the office letter No. 5527/HAP(P-1)/PCR dated 08.04.2016, original Departmental Enquiry and Order No. 19100-128/128/HAP/P-II/PCR, dated 05.11.2012 and subsequent appeal /applications of the applicant made to respondents may be called, and;
- ii) direct the Respondents to set aside and quash all orders including punishment awarded to the applicant on the basis of the said findings of departmental enquiry and Order No. 19100-128/128/HAP/P-II, Dated 05.11.2012 on the grounds as submitted in the forgoing paras and in the light of judgment dated 28.10.2015 and also direct the respondent to remove all the adverse remarks / effects in the service of the applicant due to the said DE and subsequent decision against the applicant;
- iii) direct the Respondents to grant all the consequential benefits, seniority, promotion thereof and financial benefits in respect of his pay and other benefits as per rules;
- iv) direct the Respondents to grant the appropriate compensation to the applicant who is prosecuted due to false FIR/Procesution/Complaint and have suffered punishment in departmental enquiry for non of his fault;

v) pass any other order/ relief / direct (s) may deem fit and proper in the interest of justice in favour of the applicant.

3. At the time of hearing, learned counsel for the applicant submits that after acquittal in criminal case on the same facts on 28.10.2015 he made representation to the Appellant Authority instead of Disciplinary Authority for reconsideration, and he submits that permitting him to approach the Disciplinary Authority this OA may be disposed of.

4. Accordingly, without going into the merits of the case, the OA is disposed of with liberty to the applicant to file appropriate representation before the Disciplinary Authority within 30 days from the date of receipt of a certified copy of this order and thereafter within two months, the respondents are directed to consider the representation of the applicant in accordance with the relevant applicable rules and pass a reasoned and speaking order thereon.

**(Mohd. Jamshed)
Member(A)**

**(S.N. Terdal)
Member (J)**

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