

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

MA 267/2002 IN
O.A.No.421/2001

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New Delhi this the 4th day of February, 2002.

Hon'ble Shri M.P.Singh, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

1. Mr.Balkishan
S/o Shri Sansu Ram
R/o E-202, Yadav Nagar,
Samaypur Badli, Delhi.
2. Narender Singh s/o late Shri Dina Nath,
r/o B-12 Nai Simapuri,
Shahdara, Delhi-32 ...Applicants.
(By Advocate: Shri Nitesh Aggarwal proxy
counsel of Sh.Vishwajit Singh)

Vs.

1. Deputy Commissioner of Police,
through Govt. of Delhi,
Police Control Room, New Delhi.
2. Commissioner of Police, Delhi Police.
3. State of Delhi,
through, Home Secretary,
Old Secretariate, Delhi-6. ...Respondents.
(By Advocate: Shri Ram Kanwar)

O R D E R (Oral)

Hon'ble Shri Shanker Raju, Member(J)

At the outset, learned proxy counsel for the applicants seeks deletion of the name of Applicant No.2 who died during the pendency of the case. The penalty imposed against him has already been set aside.

2. MA 267/2002 for restoration of the OA is filed by the applicant which is accordingly allowed.

3. Applicant who has been involved in a criminal case in FIR No.68/98a u/s 384/34 IPC dated 6.5.98 registered at P.S.Pratap Nagar has been proceeded against. Simultaneously in the departmental proceedings for alleged misconduct. A penalty of forfeiture of five years of approved service for a period of five years with

cumulative effect was imposed by the Deputy Commissioner of Police by an order dated 5.10.99 against which the applicant has preferred an appeal but the same is yet to be disposed of by the respondents. Hence, the present OA.

4. The contention of the applicant is that circular issued on 31.8.99 by the respondents, provides that it would be desirable to stay the D.E. proceedings till the conclusion of the criminal proceedings. The respondents despite the request of the applicant have not kept the enquiry in abeyance till the criminal case which is still pending in the trial court.

5. On the other hand, respondents in their reply, stated that the appeal preferred by the applicant against the order of punishment is still pending and he should have waited for its final outcome before coming to the court.

6. Without expressing any opinion on the merits, we are of the view that ends of justice would be duly met, if the present OA is disposed of at the admission stage itself by directing the respondents to pass a detailed and speaking order on the appeal of the applicant preferred against the order of punishment, dealing with his contention within a period of two months from the date of receipt of a copy of this order. However, applicant if still aggrieved, is at liberty to assail any order to be passed by the respondents in accordance with law. No costs.

S. Raju
(Shanker Raju)
Member(J)

(M.P. Singh)
Member(A)