

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA No. 477/2001

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Friday, this the 4th day of January 2002

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

R.N. Sharma S/o Late Shri Bhagwan Dass
Inspector No.D-I/795
Traffic Inspector, Rohini,
Delhi.

... Applicant

(By Advocate: Shri U. Srivastava)

V E R S U S

Govt. of N.C.T. Delhi through

1. The Chief Secretary
Govt. of NCT. Delhi
5, Sham Nath Marg,
New Delhi.
2. The Commissioner of Police,
Delhi Police Head Quarters,
I.P. Estate, New Delhi.
3. The Joint Commissioner of Police,
Northern Range, Delhi.
4. The Deputy Commissioner of Police,
North - West District, Delhi.

... Respondents

(By Advocate: Shri Harvir Singh)

O R D E R (ORAL)

Heard the learned counsel on either side.

2. On the charge of dereliction in the performance of duty in a public order related situation, the applicant, who is an Inspector in Delhi Police, was departmentally tried for imposition of a minor penalty. On conclusion of the proceedings, the applicant's conduct was censured by Deputy Commissioner of Police's order dated 25.4.2000 (A-2). The same has been upheld by the appellate authority on 18.10.2000 (A-1).

3. The learned counsel appearing on behalf of the applicant submits that the order passed by the Joint

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Commissioner of Police as appellate authority is an incompetent order in view of the decision rendered by this Tribunal on 6.8.2001 in OAs 1751, 1783 and 2458 of 2000. A copy of the aforesaid order passed by the Tribunal has been placed before me by the learned counsel appearing on behalf of the applicant. I have perused the same and find that on various grounds the D.B. of this Tribunal has declared that the incumbent of the post of Joint Commissioner is not an authority competent under the Delhi Police Act and the rules made thereunder for the purpose of disciplinary proceedings and departmental trial, and accordingly, such an incumbent cannot act as an appellate authority. The learned counsel appearing on behalf of the respondents intervene to say that the aforesaid order passed by the Tribunal on 6.8.2001 has since been stayed by the High Court and, therefore, it would be difficult to hold at this point of time that the Joint Commissioner of Police lacks competence for the purpose of passing orders as an appellate authority as in this case.

4. The learned counsel appearing on behalf of the applicant submits that in view of the stay granted by the High Court, the present OA may be adjourned sine-die for being revived after the matter has been finally decided by the High Court. In my view, it is not necessary to do so. For the present, it would be in order to decide the OA on merits. As and when the matter is finally decided by the High Court, the applicant will no doubt have liberty to proceed further according to law. On the merits of the present OA, the learned counsel for the applicant has more or less nothing to say. The orders imposing the penalty

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of censure have been passed after following the prescribed procedure. The same is the case with the order passed by the appellate authority. Both the orders are speaking as well as reasoned orders. I cannot find any fault with any of these. In the circumstances, the OA is dismissed without any order as to costs.

S.A.T. Rizvi

(S.A.T. RIZVI)
MEMBER (A)

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