

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2178/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri V.K.Majotra, Member(A)

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New Delhi, this the 29th day of May, 2000

Asstt. Sub-Inspector Prahlad Singh
No.1831/D
s/o Late Shri Leela Dhar
presently posted at Special Branch
North East Zone
r/o D-21/1A. Gali No.6
Ashok Mohalla
Mauz Pur
Delhi.

... Applicant
(By Shri Shankar Raju, Advocate)

Vs.

1. Union of India through
its Secretary
Ministry of Home Affairs
North Block
New Delhi.
2. Dy. Commissioner of Police
Headquarters
Police Head Quarters, I.P.Estate
New Delhi.
3. Dy. Commissioner of Police
Special Branch
Police Headquarters, I.P.Estate
MSO Building
New Delhi.

... Respondents

(By Shri George Paracken, proxy of Mrs. Meera
Chhibber, Advocate)

O R D E R (Oral)

By Reddy. J.

The applicant while he was working as Assistant Sub-Inspector, was subjected to a departmental enquiry and simultaneously his name was entered in the list of officers having doubtful integrity w.e.f. 13.11.1996. The departmental enquiry was finalised and by order dated 16.6.1998 the departmental proceedings were dropped. In view of the observations made by the disciplinary authority the applicant was served with a show-cause notice of Censure but the same was vacated by the Dy. Commissioner of Police by order dated 11.11.1998.

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Thereafter, the applicant made an application for removal of his name from the secret list. However, the respondents continued the name of the applicant in the list of officers having doubtful integrity. In the impugned order dated 10.9.1999 the Deputy Commissioner of Police directed that the name of the applicant should be continued to exist on secret list of doubtful integrity w.e.f. 13.11.1996 for a period of three years and it will be reviewed thereafter. This OA is filed questioning the action of the respondents in continuing the applicant's name in the list of officers having doubtful integrity.

2. In the counter affidavit, the stand taken by the respondents was that as the departmental enquiry was dropped on technical grounds, the name of the applicant was liable to be continued in the secret list. It is the case of the respondents that unless the applicant was absolved on merits of all the allegations, his name would be continued in the secret list.

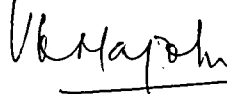
3. We have given careful consideration to the pleadings as well as the arguments advanced by the counsel for the applicant. None appears for the respondents either in person or through the counsel. It was, however, represented by the learned proxy counsel for the respondents that learned counsel for the respondents was out of station. Declining to grant adjournment on this ground, we proceed to dispose of the OA.

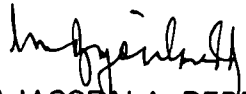
4. It is not in dispute that the applicant's name was placed in the secret list only on the ground that the departmental enquiry was pending against him. It is clear from the Annexures filed that the



departmental enquiry has been conducted by the disciplinary authority vide its order dated 16.6.1998 and dropped the proceedings and once the departmental proceedings were dropped, the respondents should have removed the applicant's name from the secret list. The contention of the respondents that as the applicant was not absolved on merits, and proceedings were dropped only on the ground that no evidence was coming forth, his name should be continued in the secret list, is not tenable. Whatever the nature of the evidence in the departmental enquiry, once the proceedings are dropped, the applicant is legally entitled to contend that the basis for placing his name in the secret list does not survive and consequently his name should be removed from the secret list. We are also supported in our view by the Judgment of this Bench in ASI Harbans Lal Vs. Union of India & Others, OA No.260/99, dated 7.9.1999.

5. In the circumstances, the OA succeeds and it is accordingly allowed. The respondents are directed to remove the name of the applicant from the secret list from the date of inception, i.e, 13.11.1996 and to hold the review DPC to consider his name for admission to promotion list E-I w.e.f. 2.12.1998 and also consider his name from the date of promotion of his juniors with all consequential benefits. No costs.


(V.K. MAJOTRA)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/