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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.2554 of 1999

Dated this 2nd day of December, 1999

HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MRS. SHANTA SHAstry, MEMBER (A)

Constable Rajinder Singh, No.10831/DAP
S/o Shri Asha Ram
R/o Village & P.O. Ailum
P.S. Kandla
Muzzafar Nagar (U.P.) ... Applicant

(By Advocate: Shri Pawan Sharma)

Versus

1. Shri B.S. Bhola
Deputy Commissioner of Police
IXth Bn. D.A.P.
Delhi Police Lines
Pitampura
Delhi.
2. Additional Commissioner of Police
Police Headquarters, I.P. Estate
New Delhi-110002. ... Respondents

O R D E R (Oral)

Mr. Justice Ashok Agarwal :

By an order passed on 31.10.1996, applicant was removed from service. Applicant impugned the aforesaid order by filing in this Tribunal O.A.687/97. By an order passed on 28.6.1999, the order of removal from service was set aside on the ground that the same had been passed without holding a departmental proceeding and without affording the applicant ~~an opportunity of reasonable liberty~~ of showing cause. The operative part of the order recites as under:

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"In the result, O.A. is allowed. Order No.F.XVI/243/96/9663-65/AP-1 dated Delhi 31.10.96 by Senior Additional Commissioner of Police (AP & P), Delhi and Order No.25594/659/HAP 9th Bn. DAP dated Delhi 18.7.96 by which the applicant is removed from service, are quashed. The respondents are at liberty to start afresh after the stage of serving the chargesheet on the

applicant within a period of one month after the service of the copy of the order and conclude the enquiry within 4 months thereafter. The applicant shall be served on the address given by him in O.A. in respect of further enquiry proceedings and if there is a change in his address he shall submit the same to the Enquiry Officer after obtaining an acknowledgement therefor. No order as to cost."

2. The applicant, in the meanwhile, has been reinstated in service with effect from 30.9.1999. By an order passed by the Deputy Commissioner of Police on 5.11.1999 a departmental enquiry is sought to be initiated against the applicant. The said order is impugned in the present application.

3. Shri Pawan Sharma, learned counsel appearing on behalf of the applicant has contended that the aforesaid enquiry has been belatedly initiated and the same cannot be permitted to be continued in the teeth of the order passed by the Tribunal on 28.6.1999 which merely gave opportunity to start a fresh departmental proceeding within a period of one month after the service of the order. The order further directed the department to conclude the enquiry within four months thereafter.

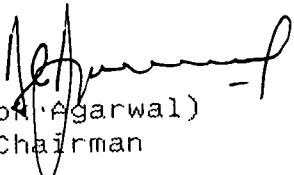
4. In our view, the impugned order initiating departmental enquiry cannot be scuttled merely on the ground of the delay in initiating the same. Applicant, ~~as~~ already stated, ~~that he~~ has been reinstated in service. The object of placing a time frame for initiating and concluding the departmental enquiry was with a view to ensure that applicant is not kept out of employment for an undue period of

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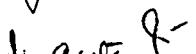
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time. As far as applicant is concerned, he has been reinstated in service. Hence merely because there has been a delay in initiating the departmental proceeding, no prejudice can be said to have been caused to the applicant. No exception therefore can be ~~had~~ held to the impugned order initiating the departmental enquiry.

5. The present application, in the circumstances, we find, is devoid of merit. The same is accordingly summarily dismissed. No costs.


(Ashok Agarwal)

Chairman


(Mrs. Shanta Shastry)

Member (A)

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