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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No. 453/99

New Delhi, this the 7th day of September, 1999

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)  
HON'BLE MR. S.P.BISWAS, MEMBER (A)

In the matter

Inspector S.K.Giri  
No. D-1871,  
S/o Shri Late Brahmjeet Giri,  
aged 42 years, Presently under suspension  
at New Delhi District Lines,  
R/o 1049, Sector-8, R.K.Puram,  
New Delhi-3. .... Applicant  
(By Advocate: Sh. Shankar Raju)

Vs.

1. Union of India,  
through its Secretary,  
Ministry of Home Affairs,  
North Block,  
New Delhi.
2. Commissioner of Police,  
Police Headquarters, I.P.Estate,  
M.S.O.Building,  
New Delhi.
3. Shri Yudhvir Singh Dadwal  
Joint Commissioner of Police,  
New Delhi Range, Police Head Quarters,  
I.P.Estate, New Delhi.
4. Medical Superintendent,  
Dr. Ram Manohar Lohia Hospital,  
New Delhi-1. .... Respondents  
(By Advocate: Sh. Vijay Pandita)

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, M(J)

We have heard both the learned counsel at some length  
and perused the pleadings on record.

2. Sh. Shankar Raju, learned counsel for applicant has referred to a number of medical certificates as well as the Medical Board report dated 6.8.99 (copies placed on record). He has submitted that except for three dates mentioned in the impugned order dated : 4.2.99 (Annexure A-1), namely, 12.1.99, 27.1.99 and 29.1.99 on which dates

J.S.

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the respondents have stated that departmental enquiry proceedings have been held, when the applicant was fit and could have attended those proceedings, on all other dates mentioned in the said order he was unwell and was under medical rest as advised by the various doctors in their certificates placed on the file. Regarding the other dates, it is also a question of fact whether the various medical certificates produced by the applicant cover them or not. Sh. Vijay Pandita, learned counsel for the respondents has submitted that the action of the applicant in continuously submitting the medical certificates to cover the next date when the departmental proceedings have been fixed for hearing should also be noted. He has submitted that the department is interested in completing the departmental proceedings in accordance with the rules as soon as possible and the applicant should also fully cooperate with this effort. We find force in the arguments submitted by learned counsel for the respondents that it is not only in the interest of the department but also in the applicant's own interest that the departmental proceedings initiated against him on 22.9.98 should be completed as expeditiously as possible in accordance with the law and instructions.

3. Noting the above facts the, OA is allowed to the extent that the impugned order dated 4.2.99 (Annexure A-1) is quashed and set aside regarding the holding of ex parte proceedings on 12.1.99, 27.1.99 and 29.1.99. It is, however, made clear that on these three dates when the applicant was fit to attend the enquiry and in fact had attended the enquiry on 29.1.99, the respondents need not

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give any further opportunity to the applicant to cross examine any of the witnesses or reopen the proceedings held on those dates. With regard to the other dates, the respondents shall afford a reasonable opportunity to him to re-examine and cross-examine the prosecution witnesses who had been earlier called in the ex parte departmental proceedings. In the circumstances, the respondents shall also verify the medical certificates submitted by the applicant regarding the other dates also to ensure that the applicant was on medical leave during that period. If, on any date, the applicant was absent from the departmental proceedings on account of <sup>13</sup> a valid medical certificate issued by the doctors, he shall also be afforded a reasonable opportunity to examine and cross-examine the witnesses who had been called earlier. The applicant shall also fully cooperate with the departmental proceedings so that the same can be concluded in accordance with law, as expeditiously as possible and in any case within four months from the date of receipt of a copy of this order.

4. OA is disposed of, as above. No order as to costs.

  
( S.P. BISWAS )

Member (A)

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(MRS. LAKSHMI SWAMINATHAN)  
Member (J)