

Original Application No.621 of 1999

New Delhi, this the 5th day of September, 2000

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Inspector Kusum Lata
W/o Shri A. Ramesh Paul
r/o Sector III, House No. 237,
R.K. Puram, New Delhi

- Applicant

(By Advocate: Mrs. Meera Chhibber)

Versus

1. Union of India
Through Lt. Governor
Raj Niwas,
Delhi

2. Commissioner of Police
PHQ, M.S.O Building
I.P. Estate, New Delhi

3. Additional Commissioner of Police
PHQ, M.S.O Building
I.P. Estate, New Delhi

4. Dy. Commissioner of Police HQ-1
PHQ, M.S.O Building
I.P. Estate, New Delhi

- Respondents

(By Advocate - Shri Rajinder Pandita)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

Applicant in this OA is seeking a direction to respondents to remove her name from the list of persons of doubtful integrity from the initial date i.e. 28.6.94 and to put her case before the review DPC for consideration of her promotion.

2. The case of the applicant is that her name was placed on the Secret List of D-1 w.e.f. 28.6.94 on the allegation that while posted in Crime(W) Cell, she demanded, accepted and obtained Rs.500/- and one Slice Toaster from Shri Gokalchand for favouring him and not

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registering a case u/s 498-IPC against him. Thereafter, the enquiry was held but the same was dropped on 19.4.95. Her name was ordered to be removed w.e.f. 19.4.95. But she made a representation to the effect that her name should be removed from Secret List from the initial date i.e. 28.6.94. But the same was rejected vide impugned order.

3. Learned counsel for applicant has pointed out that in reply to applicant's OA, the respondents have stated in page 2 of their counter that the departmental inquiry upon which the name was brought on D-I list was filed on 19.4.95 and the name of W/SI Kusum Lata was removed from the secret list from 19.4.95 i.e. the date on which departmental inquiry was finalised as per provision of para 9 (b & c) of S.O. No.265/87. She submitted that once the inquiry which has been initiated to keep applicant's name on the Secret List has been dropped, her name should be removed from the list of persons of doubtful integrity from the same date on which she was brought on the Secret List. To substantiate her contentions, she has relied upon a judgement of the Co-ordinate Bench in OA-827/96 which was filed by a similiary situated person. That OA was allowed by the Tribunal directing that the name of the applicant should be deemed to have been removed from the secret list from the date of its inception. Mrs.Chhibber has also relied upon another judgement of the Co-ordinate Bench in OA-2177/96 wherein, under the similar circumstances that OA was also allowed directing the respondents to get the applicant's name removed from the

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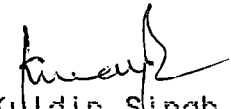
list of persons of doubtful integrity from the date it was placed there.

4. After going through the pleadings on record and hearing learned counsel for the parties, we are convinced that the case of the applicant before us is fully covered by the judgements in OA Nos.827/98 and 2177/96, relied upon by the applicant's counsel.

5. In view of the above, this OA deserves to be allowed. Accordingly, we allow the OA and set aside the impugned order dated 4.5.98. Respondents are directed to treat the applicant's name removed from the Secret List of persons of doubtful integrity w.e.f. 28.6.94 i.e. the date on which she was initially placed on it.

6. As far as applicant's other relief for being considered for promotion is concerned, we direct the applicant that she will make a representation to the respondents for such promotion and if the same is justified, respondents will hold a review DPC to consider her case for promotion from the date her juniors were promoted. These directions should be implemented within two months from the date of receipt of a copy of this order. No costs.


(S.A.T. Rizvi)
Member(A)


(Kuldip Singh)
Member(J)

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