

8

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 2087/98

New Delhi: this the 2nd day of December, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (C)

Sub Inspector Har Mohan Singh No. D/2043,

s/o Late Shri Hampal Singh,

presently posted in 6th Bn.,

DAP,
Delhi.

R/o 7-D, Type- IIIrd Model Town,

Delhi

..... Applicant

(By Advocate: Shri Shankar Raju)

Versus

1. Union of India,
through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. Dy. Commissioner of Police,
Vigilance,
Police Head Quarters,
I.P. Estate,
New Delhi.

3. Dy. Commissioner of Police,
Hq. (I) Police Head Quarters,
I.P. Estate,
New Delhi.

..... Respondents.

(By Advocate: Shri Rajendra Pandita)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' Memo dated 5.6.98 removing his name from the select list of persons of doubtful integrity w.e.f. 1.3.96. He prays that his name be removed from the list with effect from the date it was initially brought on to that list i.e. March, 1993, and thereafter to open the sealed cover and consider his case for promotion as Inspector of Police w.e.f. 12.8.94 with all consequential benefits.

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2. Applicant's name was brought onto the select list of doubtful integrity vide order dated 26.7.93 w.e.f. 17.3.93 on the basis of a DE initiated against him alleging that he had demanded money from one Shri T.Bhandula Proprietor M/s Kitty Corner, R.K.Puram, New Delhi. The DE ended in the award of punishment of censure on 13.10.95. Thereupon applicant's name was transferred from the select list to Agreed List of persons of doubtful integrity w.e.f. 18.1.96 for a period of 1 year vide order dated 24.1.96. Applicant was also informed accordingly on 10.8.96. Applicant represented against the same on 17.9.96, which was rejected and applicant was informed accordingly on 10.9.97.

3. Meanwhile applicant had appealed against the punishment of censure, and respondents admit that the appeal was accepted and the punishment of censure was set aside by the appellate authority. Respondents however state that the total evidence gives rise to reasonable suspicion that applicant was indulging in alleged malpractices and therefore his name was removed from the doubtful integrity list w.e.f. 1.3.96 when the punishment of censure was set aside by the appellate authority.

4. Thereupon applicant represented on 23.7.98 for removal of his name from the list of persons of doubtful integrity w.e.f. March, 1993 instead of 1996. That representation was rejected and applicant was informed accordingly on 21.10.98, whereupon he has filed this DA on 8.3.99.

10

5. We have heard both sides.

6. In OA No. 2177/96 Shri Davender Pal Singh Vs. UOI & Ors. where departmental proceedings against that applicant had been dropped, this very Bench had in its order dated 21.7.98 held that that applicant was entitled to have his name deleted from the doubtful integrity list with effect from the date it was placed there. That order dated 21.7.98 had itself relied upon earlier orders of the Tribunal in the matter.

7. In view of the fact that the award of the penalty of censure was eventually set aside, we hold that the aforesaid order in Davendr Pal Singh's case (supra) is fully applicable to the facts and circumstances of the present case, and applicant is entitled to have his name deleted from the doubtful integrity list with effect from the date it was initially placed there i.e. March, 1993.

8. Under the circumstance this OA succeeds and is allowed to this extent that the impugned order dated 5.6.98 is quashed and set aside. Applicant will be entitled to have his name deleted from the doubtful integrity list with effect from the date it was initially placed there i.e. March, 1993. On that basis respondents should consider applicant's case for promotion as Inspector (Executive) w.e.f. 12.8.94, with all consequential benefits in accordance with rules, instructions and judicial pronouncements. These directions should be implemented as expeditiously

2

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as possible and preferably within 3 months from the date of receipt of a copy of this order. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

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(S. R. ADIGE)
VICE CHAIRMAN (A).

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