

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
OA 2319/98

New Delhi this the 10th day of August, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)  
Hon'ble Shri V.K. Majotra, Member (A)

ASI Dharam Pal  
No. 1513/D,  
through Mukul Talwar,  
Advocate 243, Lawyers Chambers,  
Delhi High Court,  
New Delhi-110003

.. Applicant

(None for the applicant )

Versus

1. Govt. of NCT of Delhi  
through Commissioner of Police,  
Police Headquarters,  
I.P. Estate, New Delhi-2
2. Jt. Commissioner of Police (Security),  
N.D. Through Commissioner of Police,  
I.P. Estate, New Delhi-2
3. Dy. Commissioner of Police (Security),  
N.D. Through Commissioner of Police,  
I.P. Estate, New Delhi-2
4. Sh. B.D. Sharma,  
Asstt. Commissioner of Police,  
Inquiry Officer, 5th Battalion,  
DAP, New Delhi through Commissioner  
of Police, I.P. Estate, N/Delhi-2

( DR Sh. Dukhan Oraon )

.. Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

In our order dated 3.8.2000 it has been noted that the applicant was present only on one occasion i.e. 27.11.1998 when notice was issued to the respondents to file their counter reply. Reply on behalf of respondents has been filed on 9.4.1999 and is on record. We also note that the learned counsel for the applicant has received counter reply but no rejoinder has been filed so far. After 27.11.98 none has been appearing for the applicant on five consecutive

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dates including today. This case has been listed at Serial No.7 in today's cause list under regular matters under the caption that matters will be taken up serially and no adjournment will be granted. We had also mentioned in the order dated 3.8.2000 that if the applicant or his counsel is not present on the next date of hearing, it shall be presumed that he is no longer interested in pursuing the case.

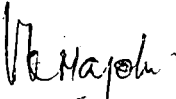
2. We have perused the pleadings in which the applicant has prayed for setting aside the penalty orders passed by the respondents after holding the departmental enquiry against him. According to the respondents, the OA is not maintainable as the applicant has not come with clean hands before the Tribunal as he has not given correct facts of the case. They have controverted the averments made in the OA by the applicant. According to them, the applicant was <sup>he</sup> ~~sup~~posed to take prompt action on the information obtained by him but he failed to do so and therefore, the case was reopened when the senior officers had taken a decision to proceed with the departmental enquiry. The respondents have also submitted that <sup>the</sup> ~~the~~ grounds taken by the applicant are not only frivolous but wrong. They have also contended that the departmental proceedings were conducted in accordance with the Rules and full opportunity has also been given to the applicant to defend the same. As none of these averments of the respondents in reply to the averments made


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by the applicant have been replied ~~to~~<sup>by</sup> by the applicant  
and after perusal <sup>of 13.</sup> the documents on record, we are  
satisfied that on merits this is not a fit case justifying  
any interference in the matter.

3. For the reasons given above, OA is accordingly  
dismissed. No costs.

  
(V.K. Majotra )  
Member(A)

  
(Smt. Lakshmi Swaminathan )  
Member(J)