

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.63/98

New Delhi, this the 20th day of November, 2000

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Sub-Inspector Rajender Singh No.D-3259,
S/O Sh. Rameshwar Dayal, aged about 30
years, presently posted in FRR0, IGI
Airport, R/O C-11, PS, Janak Puri, New
Delhi-58.

...Applicant.

(By Advocate: Sh. Sachin Chauhan, proxy for
Sh. Shanker Raju)

VERSUS

1. Union of India, through its
Secretary, Ministry of Home
Affairs, North Block, New Delhi.
2. Addl.Dy.Commissioner of Police,
North East Distt., Shahdara,
Delhi.
3. Dy.Commissioner of Police,
Vigilance, Police Head Quarters,
I.P.Estate, MSO Building, New
Delhi.

...Respondents.

(By Advocate: Sh. Ajay Gupta)

O R D E R (ORAL)

By Hon'ble Shri S.A.T. Rizvi, Member (A):-

The applicant and two others are undergoing trial in a criminal case on the charge of bribery. Meanwhile, the departmental enquiry against the applicant has been kept in abeyance until further orders vide respondents' order dated 17.4.95 (Annexure A-1). Simultaneously, the applicant's name has been brought on the secret list vide orders passed by the respondents on 30.7.96. The representations filed by the applicant against the aforesaid action have been rejected. The applicant is aggrieved accordingly.

2

9

2. The prayer made is that the departmental enquiry held in abeyance should be initiated without waiting for the outcome of the said criminal case. The learned counsel for the respondents contests this and according to him, the preferred course of action would be to await for the outcome of the criminal case.

3. The learned counsel for the applicant has, in support of his contention, brought to our notice the fact that the name of the applicant figures in column 2 of the charge-sheet and not in column 1 of the said charge sheet. He has also drawn our attention to the statement figuring in the charge sheet reproduced below:-

"During the course of investigation, it has also transpired that Sh. Rajinder Singh had come to the Police Post on 6.9.94 at 2.00 PM and had seen the complainant as well as both the Constables in the Police Post but had not made any enquiry into the matter and had himself not made any demand from the complainant. He was away from the Police Post on 6.9.94 from 8.30 AM to 2 PM. Thus no evidence could be gathered against SI Rajinder Singh."

(emphasis supplied)

His contention is that since the investigation authority has not been able as above to find any evidence against him and further since his name also does not figure in column 1 of the charge sheet, there is no justification in keeping the departmental enquiry in abeyance. He has also contended that this act on the part of the respondents is likely to injure his service interest as and when his turn for promotion is reached.

2

10

4. The learned counsel for the respondents has referred to column 5 of the charge sheet wherein it has been mentioned that "he further alleged in his complaint that Constable Azad Singh Malik and Kumar Pal Singh demanded a bribe of Rs. 500/- from him and despite his protest they took away a sum of Rs.300/- from his pocket and SI Raiinder Singh directed him to pay remaining amount of Rs.200/- by 5.00 PM of 7.9.97" (emphasis supplied). Based on this material available in the charge sheet, the learned counsel for the respondents contends that it is not as if the applicant has been finally exonerated in the criminal case and it is likely that during the course of the trial, some evidence might be forthcoming against him and if that were to happen, the applicant will have the stand trial as an accused.

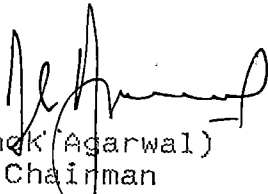
5. For us, it is not necessary to get involved into the controversy raised in the above paragraphs specially since the counsel on either side are not aware of the status of the criminal case. We would accordingly prefer to grant the prayer of the applicant and direct the respondents to initiate regular departmental proceedings in accordance with the rules and law on the subject. The departmental proceedings will obviously be limited to the applicant only and will not include the others who are standing trial in the criminal case. We further direct the respondents to reconsider the inclusion of the applicant's name in the secret list after the conclusion of the departmental proceedings having regard to the standing order on the subject.

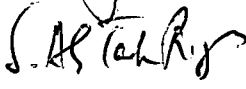
2

(4)

11

6. The OA is disposed of as above without any order
as to costs.


(Ashok Agarwal)
Chairman


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

/sunil/