

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P.No. 386/99

With

M.A.No.102/2000 &
M.A.2830/99

in

O.A.No.385/94

(16)

New Delhi: this the 17 day of February, 2000.

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

HON'BLE MR. KULDIP, SINGH MEMBER (J)

S. I Vinod Kumar No. D-1823,
S/o Sh. Brahm Dev Sharma,
presently posted in Crime Against Women Cell,
Nanakpura,
New Delhi,
R/o 75, Gajju Katra,
Shahdara,
Delhi -52

.... Applicant.

(By Advocate: Shri Shankar Raju).

Versus

Shri Sewa Das,
Addl. Commissioner of Police,
Crime Against Women Cell,
Nanakpura,
New Delhi .

..... Respondents.

(By Advocate: Mrs. Meera Chhibber)

ORDER

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

By CAT PB Order dated 15.7.99 in O A No. 385/94 the impugned orders of the Disciplinary Authority dated 22.10.92 and of the appellate authority dated 29.9.93 were quashed and set aside. The Disciplinary Authority was directed to hold further inquiry after furnishing copies of the preliminary report and statements recorded in the preliminary enquiry and allow applicant to further cross-examine PW3. The material witness who was omitted to be examined as he

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was out of India, was also permitted to be examined if he was available. The said exercise was to be completed and final order in the disciplinary proceedings was to be issued by the disciplinary authority as expeditiously as possible, but at any rate within 4 months from the date of receipt of a copy of the order.

2. Applicant has now filed C.P.No. 386/99 contending that respondents by not completing the departmental proceedings within 4 months from the date of receipt of a copy of the order i.e. 2.8.99 have contravened the Tribunal's directions, and by not passing final order upto 1.12.99, the departmental proceedings have become void and are liable to be set aside. MA No.2830/99 has been filed seeking to restrain respondents from proceeding further with the enquiry.

3. Respondents in their reply to the C.P. state that Tribunal's directions could not be adhered to for reasons beyond the control of answering respondents. It is stated that the E.O fell sick and had to be admitted to ICU and was advised bed rest for one month. Thereupon the inquiry was entrusted to another E.O., but he also proceeded on leave due to his son's wedding. Therefrom the inquiry was entrusted again to the earlier E.O. who completed the enquiry and submitted the report on 28.1.2000. It is also stated that the enquiry had to be adjourned on certain dates as either the applicant's home was locked or he sought adjournment and hence it was not wilful disobedience of the Tribunal's order.

4. Meanwhile respondents have filed MA-102/2000 on 14.1.2000 for extension of time for 2 months for completion of the inquiry.

5. Heard both sides.

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6. Nothing in the Tribunal's order dated 15.7.99 can be construed to suggest that the Disciplinary proceedings would be scrapped if it was not completed within the time allowed. No doubt respondents were directed to complete the disciplinary proceedings within a prescribed time limit, but in their reply to the C.P. they have explained the circumstances in which the disciplinary proceedings could not be completed within the prescribed time period, and it is clear that those circumstances were beyond their control. The enquiry has been completed on 28.1.2000 and under the circumstance the question of restraining respondents from proceeding with the same at this stage does not therefore arise.

7. C.P.No. 386/99 and MA-2830/90 are therefore rejected. Notices are discharged.

8. As regards MA No.102/2000 it is true as pointed out by Shri Shankar Raju that it has been filed after the prescribed period for completion of the enquiry has lapsed, and indeed has been filed only after applicant had himself filed the C.P. but as the enquiry has been completed on 28.1.2000, it would not be fit or proper to reject MA No.102/2000 merely because of its late submission. Respondents should complete the disciplinary proceedings within 2 months of 14.1.2000 as prayed for in MA No.102/2000 which is disposed of accordingly.


(KULDIP SINGH)
MEMBER(J)


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

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