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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.1241/95

Dated this the 24th of July, 1995.

Hon. Shri N.V. Krishnan, Vice Chairman(A)

Hon. Dr. A. Vedavalli, Member(J)

SI. Kishan Lal,
No.D/15,
S/o Sh. Mulkh Raj,
R/o x-854, Chand Mohalla,
Delhi-31.
By Advocate: Shri N. Safaya.

...Applicant

versus

1. Lt.Governor, Delhi,
Raj Niwas Rajpur Road,
Delhi.

2. Commissioner of Police,
Police Headquarters,
I.P.Estate,
New Delhi 110 001.

3. Deputy Commissioner of Police,
New Delhi District,
Parliament Street,
New Delhi.

By Advocate: None.

Respondents

O R D E R (Oral)

By Hon'ble Shri N.V. Krishnan

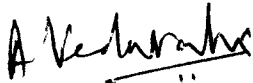
This OA has been filed by SI Kishan Lal impugning the Annexure-A order dated 28.6.95. It appears that a disciplinary enquiry was already pending against the applicant. In that DE, the applicant was directed to produce his defence witness on 15.2.95 to the Enquiry Officer. It is alleged in the Annexure-A proceeding that, instead of producing his defence witness, the Sub-Inspector returned the notice with a derogatory remark that:


'If you are not following the verbal directions of DCP/ Sb-II, and actually wanted to conduct a fair DE, then I must be provided with the relevant documents already applied for. Therefore you take appointments from the Sr.officer whose name have been given by me as DW. It is useless to send these notices, now and then.'

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2. Thereupon, the Deputy Commissionr of Police has directed a fresh DE to be held in respect of this alleged derogatory statement made by the applicant. The learned counsel contends that he denies the allegation and also states that at best, it must be the result of applicant's ignorance of the English language. He also draws our attention to the Annexure-F, which was a notice given in the earlier DE by the Assistant Commissioner of Police on 10.1.95. He was again informed to produce his defence witness, failing which, the matter would be referred to Senior Officers for further necessary action.
3. We have heard the learned counsel for the applicant.
4. We notice that the applicant has come before us, when the DE has just commenced. The settled law is that, at this stage, we can interfere with the matter, only if we are convinced that the allegations made against the applicant do not amount to any misconduct and the charge does not lie at all. We are not so convinced. The alleged statement made by the applicant while returning the notice, prima facie, makes out a case against him and hence the impugned Annxure-A order cannot be quashed.
5. In the circumstances, it is for the applicant to meet the charges framed against him in the disciplinary proceedings which have been instituted. We make it clear that our observation in para-4 is, made only for the disposal of this OA and it should not influence the enquiry authority in any way, in coming to any conclusion.
6. The OA does not make out any case for interference at this stage and accordingly, it is dismissed.


(DR. A. VEDAVALLI)
MEMBER(J)


24.7.95
(N.V. KRISHNAN)
VICE CHAIRMAN(A)

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