

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A./T.A. No. 1870/95 /19

Decided on: 31.1.97

Shri Ranbir Singh

..... APPLICANT(S)

(By ShriShankar Raju

Advocate)

VERSUS

L.G., NCT of Delhi & Anr.

..... RESPONDENTS

(By Shri Jog Singh

Advocate)


CO RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE ~~SHRI S.R. ADIGE~~ DR.

A. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal ?
No


(S.R. ADIGE)
Member (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1870/95

New Delhi: this the 31st day of January, 1997.

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

HON'BLE DR.A.VEDAVALLI, MEMBER(J)

Shri Ranbir Singh,

Asstt. Commissioner of Police,

S/O Shri Ganpat Singh,

presently posted at Crime Against Women Cell,

Nanakpura,

New Delhi.

.....applicant.

(By Advocate: Shri Shankar Raju).

Versus

1. Lt. Governor,
Govt. of NCT Delhi.

5, Raj Niwas Marg,
Delhi - 110054.

2. Chief Secretary,
Govt. of NCT Delhi.,
5, Alipur Road,
Delhi.

..... Respondent to.

(By Advocate: Shri Jog Singh).

JUDGMENT

BY HON'BLE MR.S.R.ADIGE MEMBER(A).

Applicant impugns the OM dated 28.5.90 (Annexure-1) drawing up a DE against him, and prays for an order of exoneration with all consequential benefits including opening of the sealed cover and promotion to DANI Police Service on regular basis.

2. By the impugned O.M. dated 28.5.90 respondents proposed to proceed against the applicant departmentally on the charge that while posted as Inspector of Police/SB Police Station Srinivaspuri, New Delhi in September, 1986 the applicant wrote a confidential note to the then DCP South District, New Delhi casting serious aspersions on Dr. R.K.Sharma, Department of Forensic Sciences, AIIMS unnecessarily and maliciously with regard to a post-mortem conducted by him on 20.9.86 on the body of one

Dayal Singh S/o Kalyan Singh who allegedly had died because of physical torture in the custody of S.I of Police Shri Ranvir Singh, to shield Shri Ranvir Singh from punishment.

3. The grounds taken are that the delay in issuing the charge sheet is unjustified and unreasonable, no proceedings have been held in furtherance of the impugned O.M. despite serving of the charge sheet and the inquiry has been initiated on the basis of a confidential, unpublished and privileged communication which does not constitute misconduct.

4. We have heard applicant's counsel Shri Shankar Raju and respondents' counsel Shri Jog Singh, and have perused the materials on record, including the confidential note dated 24.9.86 submitted by the applicant to the DCP South District, New Delhi.

5. We note that in the impugned O.M. dated 28.5.90 the applicant has been given the opportunity to submit his WS of defence within 10 days of receipt of O.M., to which the applicant had submitted his representation addressed to L.G. Delhi through proper channel, but no materials have been produced before us to show that the said representation has been disposed of according to law. Meanwhile applicant has filed M.A.No.2577/96 stating that respondents are going ahead with the O.E.

6. Under the circumstance, this OA is disposed of with a direction to the Disciplinary Authority in the first instance to dispose of the applicant's representation after giving him a personal hearing by a detailed, speaking and reasoned order in accordance with law within 3 months from the date of

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receipt of a copy of this order. While doing so, he will deal with each of the grounds taken in the representation, including those listed in paragraph 3 above.

7. The OA along with M.A.No.2577/96 is disposed of accordingly. No costs.

A. Veda Valli
(DR.A. VEDAVALLI)
MEMBER(J)

S. R. Adige
(S.R. ADIGE)
MEMBER(A).

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