

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.816/95

Hon'ble Shri Justice S.C.Mathur, Chairman
Hon'ble Shri P.T.Thiruvengadam, Member(A)

New Delhi, this 3rd day of May, 1995

Shri Bakhtawar Singh
Assistant Sub-Inspector
Old Police Line,
Delhi
s/o Shri Gurcharan Singh
r/o 21, Police Station Civil Lines
Delhi - 110 054.

... Applicant

(By Shri Arun Bhardwaj, Advocate)

Versus

Union of India through

The Secretary
Ministry of Home Affairs
South Block
New Delhi

The Commissioner of Police
Police Headquarters
I.P.Estate
New Delhi

The Addl. Commissioner of Police
R.P.Bhawan (SCC)
New Delhi

The Dy. Commissioner of Police
Prov. & Lines Police H.Q., ITO
Delhi (Enquiry Officer).

.. Respondents

O R D E R (Oral)

Hon'ble Shri Justice S.C.Mathur, Chairman

The applicant is aggrieved by the order of punishment imposed upon him in disciplinary proceedings. The punishment awarded is reduction from the post of Assistant Sub-Inspector of Police to the post of Head Constable. As yet the punishment order has not been served upon the applicant. He has filed this OA on the basis of the order received by the co-delinquent. After the order is served upon him, he admittedly has remedy of appeal. By-passing the remedy the applicant has approached the

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Tribunal. Learned counsel for the applicant has submitted that on the special facts of the case the bar of alternative remedy prescribed by Section 20 of the Administrative Tribunals Act, 1985 may not be raised against the applicant.

2. Initially the learned counsel for the applicant raised three grounds of challenge :

i) Report of the preliminary enquiry was not supplied to the applicant.

ii) The disciplinary proceeding was started 18 months after the submission of the report of preliminary enquiry.

iii) Show cause notice against proposed punishment was not served.

3. When the attention of the learned counsel was invited to the amendment of Rule 16 of Delhi Police (Punishment & Appeal) Rules by notification No.F-5/8/85-Home(P)/Estt. dated 4.9.86 he did not press the last ground. On the basis of first and second grounds, we are not satisfied that the present is a case of exceptional nature entitling the applicant to bypass statutory remedy.

4. Learned counsel has cited certain authorities in support of the plea that alternative remedy is not absolute bar to entertainment of OA by the Tribunal. The legal proposition is unexceptional but there should be strong

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reason to bypass the remedy. It is accordingly not necessary to make detailed examination of the authorities cited.

5. In view of the availability of alternative remedy the application is dismissed in limine.

P. T. Thiruvengadam
(P.T.THIRUVENGADAM)

MEMBER(A)

S. C. Mathur
(S.C.MATHUR)
CHAIRMAN

/RAO/