

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No. 1407/96

Dated: this the 23rd day of April, 1997.

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

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

Ramesh Chander (PIS No. 288817 90)
(1510/SW) son of Shri Kundan Singh,
R/o Village & Post Office Rashiwas,
Police Station Sadar,
Dadri,
Distt. Bhiwani (Haryana).

.... Applicant.

(By Advocate: Shri Shyam Babu).

Versus

1. Deputy Commissioner of Police,
South West District, Police Station,
Vasant Vihar, New Delhi.
2. Shri Ved Parkash (Enquiry Officer),
SIU, Police Station Jafarpur,
South West District,
New Delhi.

..... Respondents.

(By Advocate: Shri Vijay Pandita)

JUDGMENT

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

Applicant impugns the order dated 6.3.96
(Annexure-A) initiating departmental proceedings
against him.

2. Earlier he had filed O.A.No.390/94
impugning the dismissal order dated 9.2.93 and the
appellate order dated 2.2.94 by which he and
another Constable had been dismissed without
holding a D.E. having been arrested in case
FIR No. 31 dated 9.2.93 u/s 170/384/392 IPC read
with sections 27/54/89 Arms Act. In the dismissal
order, the Disciplinary Authority had stated that
holding of regular D.E. was not reasonably

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practicable as it was not uncommon in such cases to find complainant and witnesses turning hostile due to fear of reprisals or intimidation. That OA was disposed of by judgment dated 28.11.95 whereby the impugned dismissal/appellate orders were quashed with liberty given to respondents from proceeding against the applicant by holding a regular DE in accordance with law.

3. Persuant to that judgment respondents have issued impugned order dated 6.3.96.

4. The two grounds taken by applicant are firstly that the impugned order dated 6.3.96 initiating departmental action is based on the same charges which were the subject matter of the criminal case in which applicant was tried and acquitted on merits by judgment dated 6.3.95 and hence respondents are violating Rule 12 Delhi Police (P & A) Rules, and secondly that the departmental proceedings were not initiated within the two month period allowed by judgment dated 28.11.95.

5. We have heard applicant's counsel Shri Shyam Babu and respondents' counsel Shri Pandita. We have also perused the materials on record and given the matter our careful consideration. Reliance has been placed by Shri Shyam Babu on 1971 (1) SLR 133; 1984(1) SLJ 506 and 1987(1) SLR 592.

6. Under Section 20 A.T. Act an application is not to be admitted unless all the other remedies available to an applicant under the relevant service rules as to redressal of grievances are

exhausted. The judgment dated 28.11.95 permitted respondents to hold a regular D.E. in accordance with law, and pursuant to that judgment respondents have issued impugned order dated 6.3.96. It will be open to the applicant to take these and indeed any other grounds before the competent authority during the course of the D.E. in which case that authority should pass a detailed, speaking and reasoned order on each of such grounds taken by the applicant, in accordance with law. In the event that the Disciplinary Authority passes orders in the D.E. with which applicant is aggrieved, statutory remedies to challenge the same are available to applicant, and if after exhausting those remedies any grievance still survives applicant can always approach this Tribunal, if so advised.

7. In a catena of judgments the Hon'ble Supreme Court has strongly deprecated the practice of Courts/ Tribunals interdicting departmental inquiries at the threshold stage, and under the circumstance, no judicial intervention is warranted in this case at this stage.

8. The OA is therefore dismissed. Interim orders are vacated. No costs.

A. Kalavathi
(DR. A. VEDAVALLI)
MEMBER(J)

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

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