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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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C.A./T.A. No. 1803/96 /19 Decided on: 21.2.97

Mrs. Vandana Sehgal APPLICANT(S)
(By Shri K.C. Mittal Advocate)

VERSUS

Delhi Police RESPONDENTS
(By Shri B.S. Gupta Advocate)

CO RAM

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

THE HON'BLE ~~S.M. SMT.~~ 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
(S.R. ADIGE)
Member (A)

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1803/96

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Hon'ble Sh. S.R. Adige, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

New Delhi this the ^{21st}~~28~~ day of ^{February}~~January~~, 1997.

Smt. Vandana Sehgal,
W/o Shri Rajiv Chandraok,
R/o 281, Satya Niketan,
Moti Bagh-II,
New Delhi-110 0021.

.... Applicant

(through Shri K.C. Mittal, advocate)

versus

1. Delhi Police,
Police Headquarter,
I.P. Estate, Delhi through
its Commissioner.
2. The Dy. Commissioner of Police/FRR Q,
Delhi Police,
Hans Bhawan,
I.T.Q., New Delhi.
3. Shri S.K. Malik,
Asstt. Commissioner of Police/
Enquiry Officer,
D.E. Cell (Vigilance),
Defence Colony, P.S.,
New Delhi.

..... Respondents

(through Shri S.K. Gupta, proxy counsel for Sh. S.S. Gupta)

ORDER
delivered by Hon'ble Shri S.R. Adige, Member (A)

Applicant seeks the following reliefs:-

- (i) setting aside of the impugned memo of charges dated 15.5.1996; and
- (ii) furnishing of legible copies of all other documents list of which has been submitted along with memo of charges asked for by her.

2. No ground has been advanced as to why the charges should be quashed and set aside at this stage. In this connection the Hon'ble Supreme Court has strongly deprecated the practice of Courts/Tribunals interdicting departmental proceedings at interlocutory stage vide judgment in case of

Secretary to Govt., Prohibition & Excise Dept. Vs. L. Srinivasan (JT 1996(3) SC 202).

In case the applicant has any grievance in respect of the charges it is open to her to raise them in her reply to the same.

3. Regarding supply of legible copies of the relevant documents, respondents' counsel has stated at the bar that the same have since been supplied. If any document supplied by respondents is still illegible to applicant it is open to her to bring it to the notice of the Disciplinary Authority and ask for a legible replacement.

4. During hearing applicant's counsel prayed that copy of the PE report and copies of statements of witnesses rendered in PE should also be supplied. Support has been sought from the rulings in AIR 1982 SC 937; SLR 1967 SC 759; AIR 1986 SC 2112; 1981 L&I cases page 1451; CAT, Principal Bench judgment dated 21.5.93 in O.A.No.30/88 and CAT, Cuttak Bench judgment in T.A.No.370/86.

5. On the other hand respondents' counsel has invited our attention to copy of letter dated 7.1.97 addressed by respondents to him, which is taken on record, in which Rule 15(3) of Delhi police (P&A) Rules, 1980 has been referred to, which provides that PE file shall not form part of formal departmental record, but statements therefrom

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may be brought on record of the D.E. when the witnesses are no longer available. There shall be no bar to the Enquiry Officer bringing on record any other documents from the file of the preliminary enquiry, if he considers it necessary after supplying to the accused officer. Respondents state that in the instant case the Enquiry Officer who conducted the preliminary enquiry has not been cited as a prosecution witness and as such the applicant is not entitled to get a copy of the preliminary enquiry report. However, all connected documents/statements as indicated in the list of witnesses and in the list of documents to be relied upon, have been supplied to the applicant by the E.O. who is conducting the D.E.

6. In so far as the prayer for supply of copy of PE report is concerned, respondents are directed to proceed strictly in accordance with law. If after exhausting the departmental remedies any grievance still survives it will be open to the applicant to agitate the same through appropriate original proceedings in accordance with law, if so advised.

7. The O.A. is disposed of accordingly. Interim orders stand vacated. No costs.

A. Veda Valli

(DR. A. VEDAVALLI)
Member (J)

/GK/

S. R. Adige

(S.R. ADIGE)
Member (A)