

① (8) CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 837/96

New Delhi: this the 3rd day of February, 2000.

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

HON'BLE MR. KULDIP SINGH, MEMBER (J)

S. I. Devi Ram,
No. 195/D,
FRRO Unit,
Delhi Police,
New Delhi. Applicant.

(By Advocate: Shri Shankar Raju).

Versus

Union of India,
Ministry of Home Affairs,
North Block,
New Delhi
(through Secretary)

2. The Commissioner of Police,
Police Headquarters, I.P. Estate,
New Delhi. Respondents.

(By Advocate: Shri Vijay Pandita).

ORDER

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

Heard both sides.

2. During hearing Shri Shankar Raju emphasised that the list of witnesses appended with the Memo dated 27.6.94 enclosing the summary of allegations did not enclose brief details of the evidence to be led by each of them, as required under Rule 16(1) Delhi Police (P & A) Rules.

3. Shri Pandita contended that this point had not been taken in the pleadings to which Shri Raju replied that as it was a legal point, it could be agitated at any stage during hearing even if it

(9)

had not been specifically pleaded. Seeing merit in this submission of Shri Raju, Shri Pandita was granted an adjournment to show whether the brief details of the evidence to be led by each of the PWs had been supplied to applicant or not but he was unable to show that the same had been supplied to applicant when the DE was initiated.

4. The aforementioned infirmity has been held to be fatal to the departmental proceedings conducted under the Delhi Police (P.&A) Rules, as held in a number of rulings of the CAT PB, one such being OA No.1890/93 S.I. Ravinder Kumar Vs. Delhi Admin. & another decided on 15.7.99, which itself refers to earlier rulings.

5. Indeed respondents themselves have confirmed this legal position vide their Circular dated 25.9.97, a copy of which is taken on record.

6. In the result, the OA succeeds and is allowed. The impugned orders are quashed and applicant should be restored his increment with arrears. It will be open to respondents to proceed in the DE in accordance with law from the stage of supply of the brief details of evidence to be led by each of the PWs. In case respondents choose not to do so, they should pass appropriate orders in accordance with rules and instructions regarding treatment of the period applicant remained under suspension, within 3 months from the date of receipt of a copy of this order. No costs.

Kul dip Singh
(KUL DIP SINGH)
MEMBER(J)

Anil Singh
(S.R. ADIGE)
VICE CHAIRMAN(A).