

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1665/97

(3)

New Delhi, this the 4th day of August, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri K. Muthukumar, Member (A)

Mr Raj Singh,
Contable No: 6789/DAP(Old No.6202/DAP)
c/o R.I.Ist Bn. Delhi Armed Police,
R/o VPO Bharthal, New Delhi.Applicant

(By Advocate: Ms Jasminder Kaur)

-versus-

1. Sr. Additional Commissioner of Police/AP&T,
Delhi Police Headquarters,
I.P.Estate,
New Delhi.
2. Deputy Commissioner of Police,
Ist Bn. DAP Delhi
Police Headquarters,
I.P.Estate,
New Delhi.Respondents

(By None)

O R D E R (ORAL)
[Dr. Jose P. Verghese, Vice-Chairman (J)]

The submission of the applicant is that he has been proceeded against departmentally during the pendency of the criminal proceedings. The departmental proceedings in the meantime was kept in abeyance by an order dated 1.6.1996 by the respondents themselves in view of the pendency of the criminal case in the appropriate court.

Thereafter by an order dated 15.5.1997, the respondents have passed a fresh order stating that the decision of the Criminal Court was in favour of the applicant but the judgement goes to say that the acquittal has been arrived at by giving benefit of doubt to the

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accused. Respondents have rightly initiated the inquiry under the rules since the acquittal is on technical grounds.

The complaint now is that by the order dated 15.5.1997 respondents have decided to re-draft the finding, which is not in accordance with rules. Rules permit the respondents to re-start the inquiry even amend the charge, if necessary taking into consideration of all the circumstances that were available on the date on which the inquiry has been kept in abeyance. Since inquiry is going on, we do not want to interfere in the inquiry proceedings. We only direct the respondents to hold inquiry in accordance with the rules and not in pursuant to the order dated 15.5.1997 and proceed to re-draft of the inquiry. We find it unnecessary to issue notice since under the rules the respondents are directed to deal with the inquiry and hence, this OA need not to be retained in this court for that purpose. We grant liberty to the petitioner to continue with the inquiry in accordance with the Rules.

This OA is disposed of in these terms. There shall be no order as to costs.


(K. Muthukumar)
Member (A)

naresh


(Dr. Jose P. Verghese)
Vice-Chairman (J)