

Central Administrative Tribunal  
Principal Bench, New Delhi.

OA-218/97

(3)

New Delhi this the 18th day of March, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Sh. S. P. Biswas, Member (A)

Shri Avdesh Kumar,  
S/o Sh. Ram Daras Maharaj,  
R/o E-1013, Jahangir Puri,  
Delhi. .... Applicant  
(through Sh. D.S. Chaudhary, advocate)

versus

1. Lt. Governor, Odhli  
Raj Bhawan, Raj Niwas Marg,  
Delhi-54.
2. Dy. Commissioner of Police,  
IGI Airport, New Delhi.
3. Sh. Om Kumar,  
Inspector Delhi Police,  
IGI Airport,  
New Delhi. .... Respondents

ORDER (ORAL)  
delivered by Hon'ble Dr. Jose P. Verghese, V.C. (J)

None appears on behalf of the applicant today.

None appeared on his behalf even on 14.3.97. The application is dismissed in default and for non-prosecution.

(S. P. Biswas)  
Member (A)

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

18/3/97

/vv/  
On the request of the counsel for the applicant, who appeared later on, we recall our above said order and the O.A. is called for hearing. A separate judgement on merit is passed.

(S. P. Biswas)  
Member (A)

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

/re/

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 218/97

(X)

New Delhi, this the 18th day of March, 1997

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

Avdesh Kumar  
R/o E-1013, Jahangir Puri,  
Delhi. ....Applicant

(By Shri D.S.Chaudhary, Advocate)

Versus

1. Lt. Governor,  
Raj Bhawan, Raj Niwas Marg,  
Delhi.
2. Deputy Commissioner of Police,  
IGI Airport, New Delhi.
3. Shri Om Kumar,  
Inspector, Delhi Police,  
IGI Airport,  
New Delhi. ....Respondents

(By none)

O R D E R (Oral)

By Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

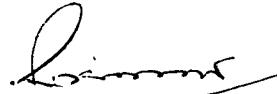
This OA raises only two questions namely whether a misconduct alleged is within the jurisdiction of the authority which is proceeding with the disciplinary proceedings, since the misconduct alleged is enquired into whether the fact as stated would amount to a misconduct affecting the discipline and the conduct of the police personnel in accordance with the rules or not is not within the competence of this court at this stage and we do not interfere with the matter at this stage; it will be left to the disciplinary authority to proceed with the enquiry in accordance with the rules. The second submission was whether the petitioner has any right to engage a lawyer to represent him in the disciplinary

(V)

proceedings which is pending. Admittedly the rules are silent on this issue and the learned counsel for the petitioner is not able to show any rule by which he has a right to be represented before the disciplinary authority. It is also alleged that the Enquiry Officer himself is acting as a Presenting Officer.

2. Since the enquiry proceedings are going on, it is expected that the proceedings will continue only in accordance with rules. Nothing has been shown that the proceedings going on is contrary to the rules affecting the proceedings substantially. On the other hand all these contentions raised are still available to the petitioner and liberty is given hereby to raise the same at the appropriate stage after the completion of disciplinary proceedings.

3. With these observations this OA is disposed of as withdrawn.

  
(S.P. Biswas)

Member (A)

  
(Dr. Jose P. Verghese)

Vice-Chairman (J)

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