

Central Administrative Tribunal  
Principal Bench

O.A. No. 809 of 1997

New Delhi, dated this the 14th September, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

ASI Bahari Lal No. 2843/D,  
S/o Shri Khedal Singh,  
R/o B-9, Jeewan Park, Uttam Nagar,  
New Delhi-110059. ... Applicant

(By Advocate: Shri S.K. Gupta)

Versus

1. NCT of Delhi through  
the Chief Secretary,  
Old Secretariat, Delhi.
2. The Commissioner of Police,  
Delhi Police Headquarters, I.P. Estate,  
New Delhi.
3. The Addl. Commissioner of Police (SR),  
Delhi Police Headquarters, MSO Building,  
I.P. Estate, New Delhi.
4. The Dy. Commissioner of Police,  
South West Dist.,  
New Delhi. ... Respondents

(By Advocate: Shri Girish Kathpalia)

ORDE (Oral)

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

Heard both sides.

2. Respondents' counsel Shri Kathpalia has  
very fairly conceded that ACP Shri Dharshan Singh  
Sanga was examined as PW2 in the departmental  
proceedings but a copy of the Preliminary Enquiry

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Report submitted by him and referred to in the departmental proceedings was not supplied to applicant either before or during the course of departmental proceedings. Hence these departmental proceedings suffer from a fatal infirmity as has been held by the Tribunal in its order dated 5.3.97 in O.A. 874/96 Prem Pal Singh Vs. U.O.I. & Others which has not been stayed, modified or set aside, and under the circumstances the impugned orders of respondents cannot be sustained in law.

3. The Disciplinary Authority's order dated 26.7.95 (Annexure A-1) as well as the Appellate Authority's order dated 18.11.96 (Annexure A-2) are therefore quashed and set aside. The pay and allowances of applicant should be restored to him, along with arrears within three months from the date of receipt of a copy of this order.

4. It will be open to respondents to proceed against applicant departmentally from the stage of supply of a copy of the P.E. report in accordance with law, if so advised, but any decision in this

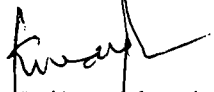
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regard should be taken by respondents within four months from the date of receipt of a copy of this order.

5. The O.A. stands disposed of accordingly.

No costs.

  
(Kuldip Singh)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

/GK/