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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.1024 of 1997

Dated New Delhi, this 29th day of August, 1997. (b)

HON'BLE DR JOSE P. VERGHESE, VICE CHAIRMAN(J)
HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

Constable Veer Sain No.4607/D.A.P.
S/o Shri Pherumal Sharma
R/o F-428 Ganga Vihar
P.S. Gokul puri
DELHI.

... Applicant

By Advocate: Shri Shankar Raju

versus

1. Union of India
Through its Secretary
Ministry of Home Affairs
North Block
NEW DELHI.
2. Deputy Commissioner of Police
5th Bn, D.A.P.
Kingsway Camp, New Police Lines
DELHI.
3. Deputy Commissioner of Police
H.Q(I), I. P. Estate
M.S.O. Building
Police Headquarters
NEW DELHI.

... Respondents

By Advocate: None.
(Const. Rajbir Singh, departmental
representative)

O R D E R (ORAL)


Dr Jose P. Verghese, VC(J)

The applicant in this case, was proceeded departmentally on the ground that he is married second time while his first wife was alive without permission of the competent authority and the same according to the respondents, was in violation of Rule 21(1) of CCS(Conduct) Rules, 1964. The said enquiry was duly conducted and during the enquiry the

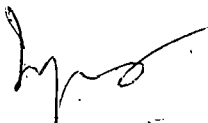
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applicant produced an order from the competent court where the previous marriage was declared null and void by the Sub Judge, Delhi by an order passed on 30.5.92 in Matrimonial Petition No.45/88 filed by the applicant. Accordingly, the disciplinary authority dropped the said proceedings by an order dated 18.1.93. Subsequently, by an order dated 27.1.97, the Deputy Commissioner of Police on the basis of an additional vigilance enquiry initiated departmental proceedings on the same set of facts. Aggrieved by the said order of 27.1.97, the applicant has approached this court for setting aside the same on the ground that second enquiry on the same facts is arbitrary and illegal.

After notice, the respondents have filed the reply and stated that the vigilance enquiry initiated at the instance of the Additional Commissioner of Police being a superior authority, the previous case closed in the year 1993 can be reopened. We are afraid, that in the absence of any additional materials which warrants recalling of the order of 1993 and no specific orders have been shown nor is there any additional material with respect to the validity of the previous marriage, the second disciplinary proceedings on the same facts are illegal and as such the order for initiating disciplinary proceedings against the applicant dated 27.1.97 stands quashed.



This OA is allowed to the extend stated above.
No order as to costs.



(K. MUTHUKUMAR)
MEMBER(A)



(DR JOSE P. VERGHESE)
VICE CHAIRMAN(J)

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