

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 2133/94

New Delhi, dated the 7th April, 1995

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

HON'BLE MR. P. SURYAPRAKASAM, MEMBER (J)

Ms. Kusum Lata,
W/o Shri Ramesh A. Paul,
R/o 237, Sector.III, R.K. Puram,
New Delhi.
(By Advocate Shri Pravir Choudhary
proxy counsel for Shri M.K. Giri) APPLICANT

VERSUS

1. The Commissioner of Police,
Delhi Police, Police Hqrs.,
M.S.O. Building,
New Delhi-110002.
2. The Additional Commissioner of Police (Crime & Rly.)
Police Headquarter, M.S.O. Building,
New Delhi-110002.
3. Mrs. Yamin Hazarika,
Dy. Commissioner of Police (C.A.W. Cell),
Nanakpura, New Delhi.
4. Union of India
Ministry of Home Affairs, Govt. of India,
North Block,
New Delhi.
(through its Secretary)
(By Advocate Ms. Jyotsana Kausik) RESPONDENTS

JUDGEMENT (ORAL)

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

In this application Ms. Kusum Lata, S.I. has prayed that the impugned order dated 13.9.94 (Annexure A.13) be quashed and alternatively respondent No.1 be directed to appoint the Deputy Commissioner of Police as disciplinary authority.

2. Shortly stated by the impugned order dated 13.9.94 a departmental proceeding has been initiated against the applicant on the charge that while posted in Women's Cell, Nanakpura, New Delhi she was entrusted with the complaint of one Smt. Anita Aggarwal on 21.3.1994. It is alleged that the applicant produced the complainant before the Dy. Commissioner of Police (Crime A. Women's Cell) in her office on 4.4.94 on which date others were also

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in the room. Smt. Anita Aggarwal is stated to have been in a state of extreme stress and complained to the DCP (C.A. Women's Cell) that the applicant was pressurising her to make a written statement about her jewellery, whereas she stated that she has already submitted the list of the same earlier, and it was in the complaint's file. It is, however, alleged that after the complainant left the room, the DCP (C.A. Women's Cell) called the applicant and told her not to pressurise Smt. Anita Aggarwal, whereupon the applicant flared up and misbehaved with the DCP (C.A.W.C.) in the presence of others who were also present in the room.

3. We have heard Shri Pravir Choudhary for the applicant and Mrs. Jyotsana Kausik for the respondents.

4. Firstly, Shri Choudhary has argued that the respondent could not proceed against the applicant departmentally because the order initiating the departmental procedure was dated 13.9.94 whereas the incident was alleged to have taken place on 4.5.1994 and as a period of more than three months have been intervened, departmental proceedings were vitiated, in accordance with the relevant provisions of the Delhi Police (Appeal & Punishment) Rules. Secondly it has been contended that the applicant was not present on the date of alleged occurrence. Thirdly, it has been alleged that it has been contended that as the Departmental Proceeding was initiated by the Addl. Commissioner of Police himself who is the appellate authority, the applicant has been deprived of the stage of appeal, which has prejudiced her adversely. Fourthly it has been argued that the Departmental Proceeding itself has been grossly delayed, affecting the promotion chances of the applicant and lastly, it has been argued that this Departmental Proceeding has been initiated at the instance of persons who are inimically disposed towards the applicant.

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5. It is by now well settled through a catena of judicial pronouncements that Courts/Tribunals should be extremely careful in intervening in Departmental Proceedings at interlocutory stages, and should not do so unless they are overwhelmed reasons which would justify such intervention. In the present case no such reasons have been advanced. None of the grounds, advanced by Shri Choudhary, and referred to above are those which cannot be pressed by the applicant during the Departmental Proceeding. The applicant is no doubt on firmer ground when she contends that the Departmental Proceeding should not be inordinately delayed, and indeed it is nobody's case that such proceedings should be unnecessarily prolonged, but that cannot be made an adequate reason to intervene in this D.E. at this stage.

6. Under the circumstances, we see no reason to interfere with this Departmental Proceeding at the present stage and, this application is, therefore, dismissed. While doing so however, we would like to observe that the respondents should proceed with and conclude the Departmental Proceeding with all possible expedition. No costs.

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P. Suryaprasanna
(P. SURYAPRAKASAM)
Member (J)

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(S.R. ADIGE)
Member (A)