

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

(3)

O.A. 1013/1994

New Delhi this the 18th Day of August 1994

Hon'ble Shri J.P. SHARMA, Member (J)

Hon'ble Shri P.T. Thiruvengadam, Member (A)

Shri Tara Chand,
Assistant Sub-Inspector No. 1091/L
At Present No. 2553 NW Posted at Police Station,
Mukarjee Nagar, Delhi. ... Applicant

(By Advocate Shri J.N. Verma)

vs.

1. Commissioner of Police,
Police Headquarters,
I.P. Estate, New Delhi.

2. Inspector Yash Vir Singh,
SHO, Saraswati Vihar,
At present posted as Traffic Inspector,
Kingsway Camp Zone,
Delhi. ... Respondents

(By Advocate : Shri S.K. Gupta)
proxy for Shri B.S.Gupta)

O R D E R (Oral)

Hon'ble Shri J.P. Sharma, Member (J)

The applicant is Assistant Sub Inspector, Delhi Police. He has been served with the summary of allegations on the basis of an order issued by the Additional Commissioner of Police dated 9.5.1989 under Rule 15(2) of Delhi Police (Punishment & Appeal) Rules 1980 hereinafter called "The Rules". that Inspectors Yashvir Singh, SI Dinesh Kumar and ASI Tara Chand be dealt departmentally under Sec. 21 of Delhi Police Act, 1978. The misconduct alleged against the applicant and other delinquents police personnel is that they did not register a case for taking forcible possession of Plot No. 643, Rishi Nagar, P.S. Saraswati

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vihar by one Shri O.P. Gulati through one Shri Devi Singh (Complainant) from Shri Sohan Lal who was in exclusive possession of the same.

2. It appears that criminal case against other persons was also initiated under Sec. 452/506/427/ 448/511/34 IPC PS Saraswati Vihar.

3. The relief claimed by the applicant in this application is that departmentally proceedings initiated against the applicant are not legally maintainable as those who are accused in the criminal case on the basis of complaint of Shri Sohan Lal of trespass on the land has since been acquitted by the Criminal Court by its order dated 10.3.1993, a copy of which has also been filed as Annexure A-4, to the application. In fact the prosecution case is that Shri Sohan Lal was in possession of plot/ House No. 643, Rishi Nagar and Shri Om Parkash, Devi Singh, Lalit Kumar and Kuldip Kumar took forcible possession of the said house. The information was not lodged earlier and was deferred, this has nothing to do with the criminal case. The misconduct alleged against the applicant and other delinquents that they did not register a case for taking forcible possession earlier. Thus, this contention of the learned counsel that the departmental enquiry is not tenable has no force.

4. A notice was issued to the respondents and the counsel Shri B.S. Gupta through Shri S.K. Gupta present and opposed the admission.

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5. We find that this is not the stage to interfere as there is sufficient material on record on the basis of which a summary of allegation has been served on the applicant and two other co-delinquents.

6. The learned counsel, however, has the grievance that the order by the Additional Commissioner of Police for initiating departmental enquiry was issued in May 1989 and the enquiry is still pending with the result that the applicant cannot get his due promotion and will also lose his seniority and so the respondents should be directed to complete and conclude the enquiry expeditiously. We are convinced that the delay in disposal of the enquiry ~~not~~ also be barred for further promotion to the applicant. If the respondents are convinced that proceedings ~~in~~ ^{departmental} enquiry is an ~~exere~~ in futile then they ^{may} pass necessary order according to law or if there is sufficient material they are expected to conclude the enquiry as expeditiously as possible and obviously five years have since passed and the enquiry has not yet been completed.

7. In view of the above facts and circumstances the application is dismissed at this stage. It is observed that the respondents shall complete and conclude the departmental enquiry as expeditiously as possible and also pass necessary orders whether the circumstances of the misconduct warrants continuance of the enquiry after disposal of the criminal case against the main accused whereby the complaint filed by Shri Sohan Lal has been not believed.

P. J. T.

(P.T. Thiruvengadam)
Member (A)

J.P. Sharma

Member (J)