

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.920/94.

New Delhi, this the sixth day of May, 1994.

SHRI J.P. SHARMA, MEMBER(J).

SHRI S.R. ADIGE, MEMBER(A).

Shri Uttam dass,  
Constable No.1970/SD,  
S/o Kiran Singh  
R/o A-100, Gomens Extn.,  
Shahdara, Delhi.

...Applicant

By advocate : Shri M.P. Raju.

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V E R S U S

1. NCT of Delhi,  
through its Chief Secretary,  
Old Secretariat,  
Delhi.
2. Commissioner of Police,  
Delhi Police,  
Police Hqrs.,  
I.P. Estate,  
New Delhi.
3. Shri PRS Brar,  
Dy. Commissioner of Police,  
South District,  
New Delhi.

...Respondents

O R D E R (ORAL)

SHRI J.P.SHARMA:

This application is by Uttam Dass who is being prosecuted in a departmental inquiry under Delhi Police Act, 1978. The inquiry, it is said, is coming to an end. Before that, the applicant has filed this O.A. on 21-4-1994 in which he has prayed for the grant of the relief that the applicant be allowed to lead defence evidence.

2. We have heard the learned counsel. The learned counsel pointed out to an order dated 23-3-94 where the disciplinary inquiry has given a show cause notice second time to the applicant to file a reply within 15

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days. This notice is dated 22-3-94. Earlier, a show cause notice was given to the applicant to which the applicant replied on 13-10-88 where he has stated that certain important defence witnesses have not been examined. After the aforesaid reply was given by the applicant, the applicant has filed original application before the Tribunal which was disposed of on 10-12-1993 and the stay order was vacated. The grievance of the applicant appears to be that by not leading the defence, he may be prejudiced inasmuch as the final order which is likely to be passed in the departmental inquiry could be on the basis of non-consideration of the material defence evidence. We have given a careful thought also to the fact that when the departmental inquiry was initiated against the applicant for a misconduct of October, 1984, it was stayed by the Tribunal in the year 1988 when the proceedings of the departmental inquiry were coming to completion and a show cause notice as was required under the Delhi Police (Punishment and Appeal) Rules, 1980, had already been given and served on the applicant. After the matter has been judicially reviewed in the O.A. filed by the applicant by the order dated 10-12-93, nothing survives to re-consider the matter.

2. We don't find any prima facie case to admit this original application and it only appears to be a step to further pro-<sup>crastinate</sup>~~investigate~~ the disposal of the inquiry proceedings. Further, the applicant shall be at liberty to assail the final order, if so advised and aggrieved and take the plea which he has taken in the present application and this order will not bar in the

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same. The O.A. is, therefore, dismissed. No costs.

*Infalige*  
(S.R. ADIGE)  
MEMBER(A)

*Jomana*  
(J.P. SHARMA)  
MEMBER(J)

'KALRA'