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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1777 of 1994

New Delhi: March 3/ ,1995

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Suresh Kumar (1804/W) son of Shri Jeet Singh, r/o Village Butana,
Distt. Sonapat (Haryana)Applicant.

By Advocate Shri Shyam Babu.

Versus

1. Deputy Commissioner of Police,
(West District), P.S.Rajouri
Garden,
New Delhi.

2. Shri Yashwant Singh (Enquiry Officer),
Station House Officer, Police Station
Kirti Nagar,
New Delhi- 110015Respondents.

By Shri S.K.Sinha, proxy for Shri Jog Singh, Advocate.

JUDGMENT

By Hon'ble Mr. S.R.Adige, Member(A)

In this application, Shri Suresh Kumar, Constable Delhi Police seeks quashing of the order dated 9.11.93 (Annexure-A) under Rule 16(x) Delhi Police (Punishment & Appeal) Rules against him and others and to close the said departmental enquiry, or direct the respondents to conduct and conclude the said departmental enquiry in a reasonable, time bound manner.

2. Shortly stated, it was alleged against the applicant that he lured one Smt.Asha Rani w/o Shri Kashmiri Lal r/o D/230, Karampura, Delhi by holding out a promise that he would get her enrolled in the Home Guards and later on he had illicit sexual relations with her. It was further alleged that ASI Ved Singh and Constable Dharambir Singh also

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took advantage of the situation and on different occasions had carnal relations with her by coercing her. Departmental proceedings were initiated against all three vide Office Order dated 21.3.89. Upon going through the Enquiry Officer's findings and the other records available on the D.E. file, the Disciplinary Authority noted that the Enquiry Officer had not recorded fresh statements of the PWs including the main complainant and placed the earlier statement recorded during the course of the preliminary inquiry on the file. Accordingly the Disciplinary Authority ordered denovo proceedings against the three defaulters from the prosecution stage onwards vide order dated 25.1.90. After the completion of the departmental enquiry, they were dismissed from service vide order dated 19.9.90. Against that dismissal order, they approached the Tribunal who by its judgments dated 17.2.93 and 12.7.93 set aside the dismissal orders holding that Rule 16(x) Delhi Police (Punishment & Appeal) Rules did not permit the Disciplinary Authority to order denovo inquiry. Accordingly, the applicants were ordered to be reinstated in service, with liberty given ^{to the disciplinary authority to take appropriate action against the defaulters} in accordance with law. Pursuant to those instructions all three defaulters were reinstated in service and a supplementary departmental inquiry was ordered against them, which according to the respondents in their reply is in the prosecution stage, against which the applicant has now filed this O.A.

3. It is well settled that Courts/Tribunals should not interfere with departmental proceedings at interlocutory stage, except under the most extraordinary circumstances, more so when in a case such

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as this after setting aside the earlier dismissal orders, the Tribunal had itself given liberty to the respondents to take appropriate action in accordance with law. Hence the prayer for quashing the impugned order dated 9.11.93 is rejected. The applicant is, however, on firmer ground in his prayer that the departmental enquiry be conducted and concluded within a reasonable time limit. According to the respondents, it is the applicant's own dilatory tactics coupled with Mrs. Asha Rani and her husband having shifted from Delhi to a distant part of Punjab which has contributed to the delay in concluding the departmental enquiry. Be that as it may, it cannot be anybody's case that a departmental enquiry should not be concluded within a reasonable limit.

4. Under the circumstances, this O.A. is allowed to the extent that the respondents should conduct and conclude the departmental enquiry with all possible expedition and preferably within three months from the date of receipt of a copy of this judgment. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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