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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA No.198/94.

New Delhi, this the 28th day of January, 1994.

SHRI J.P.SHARMA, MEMBER(J).
SHRI B.K.SINGH, MEMBER(A).

Head Constable Ved Prakash No.2081/DAP,
s/o Sh. Dwarka Prasad Sharma,
r/o 61-2 type, Police Colony,
Shalimar Bagh, Delhi.

...Applicant

(By advocate: Shri N.Safaya)

VERSUS

1. Lt. Governor, Delhi,
Raj Niwas, Rajpur Road, Delhi.
2. Commissioner of Police, PHQ,
I.P.Estate, New Delhi.
3. Addl. Commissioner of Police,
Armed Police, PHQ, New Delhi.
4. Ct. Virender Singh,
No.2571/DAP III Bn. Kingsway Camp,
Delhi. ...Respondents

ORDER (ORAL)

Shri J.P.Sharma :

Head Constable Shri Ved Prakash was proceeded with in a departmental inquiry under Delhi Police (Punishment and Appeal) Rules, 1980 by the order dated 22/30-11-93 along with Shri Virender Singh who is also a Constable in Delhi Police.

2. The contention of the learned counsel is that since ^{against him} criminal case has also come up and respondent no.4, so in view of the Rule 29 of the Delhi Police(Punishment and Appeal) Rules,1980, the departmental inquiry cannot be initiated against the applicant. The second contention is that the applicant will be prejudiced if a joint departmental inquiry is held along with Constable Virender Singh.

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3. We heard the learned counsel at the admission stage. The facts giving rise to the case are that the applicant as well as Constable Virender Singh were given the custody of an under-trial to be produced before the Hon'ble Supreme Court in a criminal case. That under-trial escaped from the custody of the applicant and it is stated by the learned counsel that the applicant was given certain poisoness drugs which resulted in losing the consciousness of the applicant and he was also hospitalised.

4. It is not in the interest of the parties to comment at this stage touching the merits of the submissions made in the application. However, it is evident that the under-trial escaped from the custody of the applicant as well as Constable Virender Singh and that amounts to an act which is properly substantiated may be classified, as a misconduct. In view of this, the provisions of Rule 29 are not attracted. Regarding the holding of joint inquiry along with respondent no. 4 Virender Singh, the applicant had made a representation in January 1994. That has not yet been disposed of. The learned counsel has taken the shelter of Rule 18 of the CCS CCA Rules as well as Govt. of India decision under that rule. CCS CCA Rules, 1965 are not applicable to the departmental proceedings of the inquiry conducted under Delhi Police Act 1978 and with Delhi Police (Punishment & Appeal) Rules, 1980. However, the applicant is free to agitate this matter before the disciplinary authority. The application, therefore, does not make a prima facie case for admission under Section 19, sub-

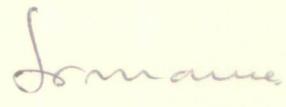
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clause 3 of the Administrative Tribunals Act, 1985 and is dismissed at the admission stage itself with the liberty to the applicant to assail the result of the departmental inquiry in the appropriate forum, if so advised.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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