

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1834/2000

New Delhi this the 15th day of December, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

G.C. Dwivedi,
Presently DCP Provisioning & Lines,
5, Rajpura Road, Delhi. ... Applicant

(In person)

-versus-

1. Union of India through
Director (CPS),
Ministry of Home Affairs,
North Block, New Delhi.
2. Deputy Commissioner of Police,
Vigilance, Police Headquarters,
Delhi. ... Respondents

(By Shri N.S. Mehta, Advocate for Resp. 1)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

On 13.9.2000 following order was passed :

V.K.
"By a memorandum dated 27.5.1999 statement of imputations of misconduct was served upon applicant. He has submitted his representation against the same on 1.10.1999. Applicant has been working as Additional Deputy Commissioner of Police on ad hoc basis since 30.7.1996 as per Annexure-9. A DPC for regular promotion to the post of Additional Deputy Commissioner of Police has been held in March, 2000. In view of the pendency of the aforesaid disciplinary proceedings, result of applicant has been kept in sealed cover and other candidates have been appointed on regular basis to the post of Addl. DCP. Applicant, in the circumstances, has instituted the present OA seeking to impugn the aforesaid memorandum containing the statement of imputations of misconduct issued on 27.5.1999.

As far as the challenge to the conduct of the disciplinary proceedings is concerned, *prima facie*, we are not inclined to interfere at this interlocutory stage. However, we

direct notices to issue to respondents to show cause why directions be not issued to proceed with the departmental proceedings expeditiously and to conclude the same within a stipulated period, and why a direction be not issued that pending the disciplinary proceedings applicant should not be reverted.

Pending further orders, respondents are directed not to revert applicant from his present post of Deputy Commissioner of Police (ad hoc).

Issue Dasti notices returnable on 26.9.2000."

2. Shri Mehta, the learned counsel appearing on behalf of respondent No.1 states that his client is agreeable to submit to orders which have been suggested in the aforesaid order. According to him, disciplinary proceedings will be expeditiously conducted in a time frame to be laid down by the Tribunal. He concedes that pending the conclusion of the disciplinary proceedings, applicant will not be reverted from his present post of Additional Deputy Commissioner of Police (ad hoc).

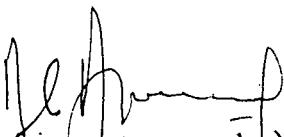
3. In the circumstances, we find that interest of justice would be met by directing the respondents to conduct the disciplinary proceedings and conclude the same within a period of four months from the date of service of this order. Respondents are further restrained from reverting the applicant from his present post of Additional Deputy Commissioner of Police (ad hoc) pending conclusion of the disciplinary proceedings. We order accordingly.

W. J.

4. Present OA is disposed of with aforesaid
directions. No costs.

V.K.Majotra

(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

/as/