

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
PRINCIPAL BENCH
NEW DELHI

OA No.2148/2000

This the 1st day of June, 2001

HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)
HON'BLE SHRI S.A. RIZVI, MEMBER (A)

Shri Davender Kumar,
A.S.I/Tech. (MT) Grade-I
No.4340/D (PIS No.29760026)
S/o Shri Umrao Singh,
R/o Quarter No. 277, Police Colony,
Ashok Vihar,
Delhi : 110 096 Applicant
(By Advocate: None)

VERSUS

1. Government of N.C.T. of Delhi
Through its Chief Secretary,
5, Sham Nath Marg,
Delhi
2. Commissioner of Police,
Delhi Police, Police Headquarter,
M.S.O. Building, I.P. Estate,
New Delhi
3. Shri G.C. Dwivedi,
Deputy Commissioner of Police,
Prov. & Lines, Delhi
4. Shri R.K. Mittal,
Deputy Commissioner of Police (Technical)
Prov. & Lines,
Delhi
5. Shri Mahinder Singh, Inspector,
(M.T.C.) CMT, Workshop OPL,
C/o Office of the D.C.P. (Technical)
Prov. & Lines,
Delhi Respondents
(By Advocate: None)

O R D E R (ORAL)

By HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J):

The applicant has impugned the order passed by
the respondents dated 17.8.2000 placing him under
suspension for his unauthorised absence from 26.6.2000.
The applicant has prayed that the respondents may be

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(2)

restrained from implicating him in any false, fabricated and concocted criminal, civil and departmental cases as well as from taking action against him on false pretext in future. He has also prayed for costs of the O.A.

2. The applicant has prayed for interim relief in terms of paragraph 9 of the OA, i.e., to stay the operation of the impugned order dated 17.8.2000. This prayer has been considered by the Tribunal in its order dated 8.11.2000 and rejected.

3. The respondents have filed their reply on 30.1.2001 and we note that the applicant has not filed any rejoinder to the same. It is relevant to note that on four consecutive dates, none has been appearing for the applicant when the case has been listed for hearing, including today. In the circumstances, the case could have been dismissed for default and non-prosecution, but we have considered the pleadings on record.

4. We note from the reply filed by the respondents that they have stated that the applicant has been absent from duty on a number of occasions and thereby ^{their work was 13-} suffering badly. They have also submitted that absentee notices have also been issued to him. In the reply, the respondents have stated that a Departmental Enquiry has been initiated against the applicant by their Office Order dated 5.10.2000 for the said lapses. They have also submitted that the applicant has been arrested in case FIR No.237/2000 on 21.9.2000 and released on bail on 26.9.2000 and, therefore, he is ^{to be 13-} deemed under

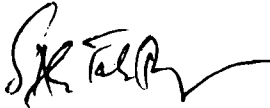
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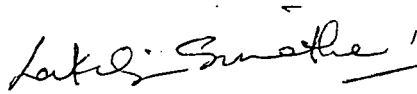
(3)

suspension w.e.f. 21.9.2000 under the provisions of the Delhi Police (Punishment & Appeal) Rules, 1980 as the period of arrest was more than 48 hours. They have accordingly submitted that the suspension order is legal and justified. They have also submitted that the applicant will not be penalised un-necessarily in any manner and justice would be done to him on the basis of the out-come of the report of the Departmental Enquiry which is being held under the relevant rules.

5. Noting the above facts and circumstances of the case, we find no good grounds to justify any interference in the matter to set aside the impugned order dated 17.8.2000. The claim of the applicant to restrain the respondents from taking action against him as stated in paragraph 8 (ii) is vague and not tenable. The respondents themselves have stated that they have initiated a Departmental Enquiry against the applicant by order dated 5.10.2000 which has not been impugned^{by rs} him in the present OA. What has been impugned is only the suspension order issued against him.

6. In the facts and circumstances of the case, we find no merit in the application and the same is accordingly dismissed. No costs.


(S.A.T. RIZVI)
Member (A)


(Mrs. LAKSHMI SWAMINATHAN)
Vice Chairman (J)

(pkr)