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CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.2558 of 2000

New Delhi, this 7th day of December 2000

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. M.P. SINGH, MEMBER(A)

Sukhpal Singh
S/o Shri K. Singh
R/o 4/18-A(B-93) Old Kanti Nagar
Delhi-51 ... Applicant

(By Advocate: Shri Sachin Chauhan)

versus

1. Union of India,
Through Joint Secretary
Ministry of Home Affairs
North Block
New Delhi.
2. Commissioner of Police
Delhi
I.P.Estate
M.S.O. Building
New Delhi. ... Respondents

(By Advocate: Shri R.L.Dhawan)

ORDER(Oral)

By Mr Justice Ashok Agarwal:

An order issued by the Joint Secretary, Ministry of Home Affairs on 7.11.2000 at Annexure A-1 initiating disciplinary proceedings against the applicant who is an Inspector in Delhi Police, is impugned in the present OA. Applicant had earlier instituted OA.No.2476/97 impugning an order of penalty which had earlier been imposed upon him in disciplinary proceedings conducted against him. By an order passed on 19.4.2000 aforesaid order of penalty was set aside with the following observations:

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"In the result, the OA succeeds and is allowed. The impugned orders are quashed and applicant should be restored his

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increments with arrears. It will be open to respondents to proceed in the D.E. in accordance with law from the stage of supply of the brief details of evidence to be led by each of the PWS. These directions should be implemented within three months from the date of receipt of a copy of this order. No costs."

2. Based on the liberty granted, the aforesaid order dated 7.11.2000 initiating disciplinary proceedings has now been issued by the disciplinary authority. Same is impugned by the applicant in the present OA.

3. Shri Sachin Chauhan, learned counsel appearing in support of the OA has submitted that aforesaid order initiating disciplinary proceedings is liable to be quashed as the same is barred by time. According to him, whereas a period of three months had been provided for initiating the proceedings, the same has not been initiated within the afore-stated period. The same has belatedly been initiated on 7.11.2000. In our view, said contention is devoid of force and is, therefore, liable to be rejected. Aforesaid order, we find, is in two parts: first, the same directs that the applicant should be restored his increments with arrears. In other words, it directs respondents to restore his increments which had been withheld on account of the order which had been set aside. The second part gives liberty to respondents to proceed with a departmental enquiry. The period of three months which is provided, in our view,



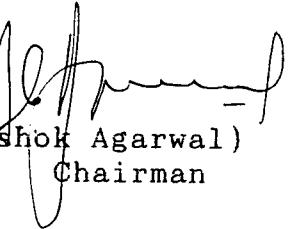
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relates to the direction to respondents to restore applicant's increments. Same does not apply in respect of the liberty granted to reinitiate disciplinary proceedings. Aforesaid contention, in the circumstances, is rejected.

4. Counsel has next contended that applicant has now been promoted to the post of Assistant Commissioner of Police. The misconduct which is alleged against applicant should be deemed to ^{or waived,} have been condoned. In our view, there is no merit in this contention also.

5. In the circumstances, we find that the present OA is devoid of merit. Same is accordingly rejected in limine.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman