

(12)

Central Administrative Tribunal, Principal Bench

Original Application No.797 of 2000

New Delhi, this the 19th day of July, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (Admnv)

Ex. Sub-Inspector Vinod Sharma No. D-816,
S/o late Shri Hem Deo Sharma, Aged 33 years,
Previously employed in Delhi Police in 3rd
Bn, D.A.P., R/o 2445, Sector-16, Faridabad,
Haryana. --- Applicant

(By Advocate Shri Shyam Babu)

Versus

1. Union of India through its Secretary,
Ministry of Home Affairs, North Block,
New Delhi.
2. Joint Commissioner of Police, Armed
Police, Police Head Quarters, I.P. Estate,
New Delhi. - Respondents

(By Advocate Mrs. Meera Chhibber)

O R D E R (Oral)

By V.K. Majotra, Member (Admnv) -

Punishment of dismissal in a departmental enquiry has been assailed in this O.A. The applicant has sought Annexure-A-1 and Annexure-A-2, which are impugned orders of exparte departmental enquiry and that of dismissal, to be set aside and reinstatement in service with consequential benefits.

2. We have gone through the pleadings of the parties and heard learned counsel of parties.

3. The learned counsel of applicant stated that whereas the applicant had informed the enquiry officer on 22.8.1998 that he would not be in a position to join DE being held on 24.8.1998 and the same may be listed during the second week of September, 1998 the enquiry officer proceeded to conduct the enquiry exparte on 10.9.1998 on the basis of Annexure-A-1.

4. The learned counsel of respondents has maintained that a couple of absentee notices were sent to the applicant. Even on 12.10.1998, the applicant was directed to join DE and a copy of summons in this regard

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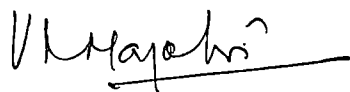



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was handed over to applicant's elder brother, however, the applicant chose to remain absent and decision was taken to proceed exparte against the applicant.

5. Not that we are convinced by the arguments on behalf of the applicant, by way of indulgence only we are of the view that the applicant ^{should be} get another opportunity of defence. Accordingly, we remit this matter to the enquiry officer to give an opportunity to the applicant to cross-examine the prosecution witnesses, who have already been examined and also lead evidence in his defence so that the enquiry can be decided on merits. We further direct the respondents to conclude the enquiry and pass final orders within a period of six months from the date of communication of this order. The applicant is hereby directed to report to the Deputy Commissioner of Police, III Bn. respondent no.3 at 11.00 a.m. on 30th July, 2001, on which date, respondent 3 will take steps for conducting the enquiry as directed above. It is clarified that if the applicant fails to appear before respondent no.3 as directed above or on the dates when the enquiry officer conducts the enquiry, this order of the Court will cease to operate and the orders impugned in this OA shall be maintained. It goes without saying that the impugned orders will abide by the final orders to be passed by the respondents after the enquiry is completed as directed above. The O.A. is accordingly disposed of.

No costs.


(V.K. Majotra)
Member (Admnv)


(Ashok Agarwal)
Chairman