

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R.A. No. 197 of 1997 In

(23)

O.A. No. 735 of 1993

New Delhi this the 10<sup>th</sup> day of November, 1997

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Mahipal Singh  
S/o Shri Khachera Singh  
R/o 321, Sonth Gambri (A-Block),  
Bhajanpura, Shahdara,  
Delhi-110 053.

..Review Applicant

Versus

1. Commissioner of Police,  
Delhi,  
Police Headquarters,  
I.P. Estate,  
New Delhi.

2. Additional Commissioner of Police  
(Northern Range),  
New Delhi,  
Police Headquarters,  
MSO Building,  
New Delhi.

3. Dy. Commissioner of Police  
(Central District),  
Police Station,  
Darya Ganj,  
New Delhi.

..Respondents

ORDER BY CIRCULATION

Hon'ble Mr. K. Muthukumar, Member (A)

Applicant seeks to have the order passed in the  
O.A. No. 735 of 1993 reviewed.

The main grounds taken in the Review Application  
is that as per the provisions of Rule 16(xi) of the Delhi  
Police (Punishment & Appeal) Rules, 1980, no powers  
ordering de novo enquiry is available to the disciplinary  
authority in the Delhi Police. He, therefore, contends



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that the order passed by this Tribunal in the aforesaid O.A. directing the respondents to conduct a fresh enquiry from the stage of issue of charge-sheet in accordance with law, is erroneous. He cites a few judgments wherein it was held that the disciplinary authority has no power. We are unable to agree. While the disciplinary authority may not have the powers to direct a fresh enquiry, we are of the considered view that there is no constraint on the Tribunal to order a fresh enquiry particularly when it is held that the enquiry has been vitiated on grounds of procedural irregularities. The applicant has not shown the law under which this Tribunal has no power to direct a de novo enquiry.

The applicant has further submitted that the violation of Rule 16(xi) of the aforesaid rules has a material irregularity and, therefore, the matter should not have been remitted to a fresh enquiry. As pointed out in the order, Rule 16(xi) relates to the procedure for disciplinary proceedings. Violation of Rule 16(xi) thereof has vitiated the enquiry. Therefore, it cannot be said that there has been no procedural infirmity in the enquiry. The other ground taken by the applicant is that the judgment of the Apex Court in State of Punjab & Others Vs. Dr. Harbhajan Singh Greasy, (1996) 9 SCC 322 is not applicable here as that dealt with only procedural irregularity. As we have already held that there was



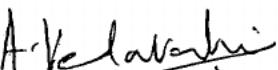
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procedural irregularity, we are of the considered view that the aforesaid judgment is squarely applicable in the facts and circumstances of the case. It is also to be noted that instead of ordering reinstatement, we have directed a fresh enquiry to be held by the respondents from the stage of issue of charge-sheet in accordance with law and we have also set the time limit of three months to complete the enquiry. The other grounds taken by the applicant cannot be agitated in a Review Application.

In the light of the foregoing, this Review Application is misconceived and is accordingly rejected.

  
(DR. A. VEDAVALLI)  
MEMBER (J)

  
(K. MUTHUKUMAR)  
MEMBER (A)

Rakesh

मान्यता प्राप्त प्राप्ति  
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मन्त्रालय अधिकारी/Section Officer  
केन्द्रीय प्रशासनिक बिभाग  
**Central Administrative Tribunal**  
प्रमाण व्यापारिक विभाग  
Principal Bench, New Delhi



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