

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

OA 1126/1989

15th March, 1994.

Shri C.J. Roy, Member (J)
Shri P.T.Thiruvenagadam, Member (A)

Shri Rishi Ram
Inspector No.D/976
r/o I.G.I.Airport, Delhi .. Applicant
By Shri Shankar Raju, Advocate
Versus

1. The Chief Secretary
Delhi Administration
Rajpura Road, Delhi ..
2. The Commissioner of Police
Delhi Police
IP Estate
New Delhi-110 002 .. Respondents

By Ms. Ashoka Jain, Advocate

O R D E R (Oral)

(Hon'ble Shri C.J. Roy, Member (J))

Heard the counsel for the parties. The applicant is an Inspector with Delhi Police under the Delhi Administration. There was a private complaint by one of his relatives stating that the applicant has cheated her of Rs.39,000/- in purchasing a car and getting it registered in his relative's name. She has filed a suit for recovery of the said amount which is stated to be pending for a decision in the Court of Lt. District Judge, Delhi, being Civil Suit No.272/91. A charge-sheet was issued to the applicant stating that the applicant has cheated Smt. Sudershna Sharma by getting her car worth Rs.39,000/- transferred in the name of his brother Dal Chand and thus the applicant is liable to be proceeded against departmentally for grave misconduct under Section 21

of Delhi Police Act, 1978, vide Annexure IV to the OA. The applicant has obtained stay against the departmental proceedings by an interim order of is the Tribunal dated 25.7.1989. The applicant/stated to be still under suspension and has been drawing subsistence allowance.

2. The learned counsel for the applicant pleads that some documents are not given to the applicant and as per Delhi Police Act, the departmental proceedings could not have been conducted against him since it is a private matter and the case may be allowed.

3. The respondents have filed their counter denying the averments made by the applicant.

4. There is a latest decision of the Hon'ble Supreme Court reported in JT-1994(1)-SC-658 in CA 7484/93 dated 17.2.94, wherein their Lordships have held that "in disciplinary proceedings, the Tribunal ought not to interfere at an interlocutory stage and the Tribunal has no jurisdiction to go into the correctness or truth of the charges". Following the above ruling, we vacate the interim order and allow the respondents to continue with the disciplinary proceedings from the stage it is stayed by giving all opportunities to the applicant in accordance with the law. If the applicant is aggrieved with the decision of the respondents, he is entitled to approach the Tribunal for redressal of his grievance.

The OA is disposed of with the above direction.

No costs.

P. T. Thiruvengadam

(P.T.Thiruvengadam)
Member (A)
15.3.94

(C.J.Roy)
Member (J)
15.3.94

/tvg/