

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.CA 1551/1989

Date of decision: 2.3.1990.

Shri Ramesh Singh Rana

...Applicant

Vs.

The Commissioner of Police & Others ...Respondents

For the Applicant

...Shri B.B. Sharma,
Counsel

For the Respondents

...Shri M.M. Sudan,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporters or not? *No*

(The Judgment of the Bench delivered by
Hon'ble Shri D.K. Chakravorty, Administrative
Member)

The applicant, who is a Sub-Inspector in the Delhi Police, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that the impugned order dated 2.6.1989 at Annexure A-I to the application be quashed. By Annexure A-I, it has been proposed to initiate Departmental Enquiry Proceedings against him.

2. The pleadings in this case are complete. After perusing the records carefully and hearing the learned counsel of both parties, we feel that the application could be disposed of at the admission stage itself.

3. The facts of the case are not disputed. The

2/3/90

applicant was appointed as Sub-Inspector in 1971. At the time of assassination of the former Prime Minister, Smt. Indira Gandhi on 31.10.1984, he was posted at Police Station, Delhi Cantonment. In the wake of the assassination, there had been riots in several parts of Delhi. The applicant was placed under suspension by order dated 15.11.1984 at Annexure-II, page 10 of the Paper-Book. Subsequently, by order dated 2.9.1986, the suspension order was revoked. The Government had appointed a Commission of Enquiry headed by Justice Ranganath Misra to enquire into the riots which broke out in Delhi. In the Report of the said Commission of Enquiry, there was a mention that large scale killings had taken place in various places in Delhi. Pursuant to the recommendations by the said Commission, the Delhi Administration had appointed a Committee consisting of Justice Dalip K. Kapoor, former Chief Justice of the Delhi High Court and Kumari Kusum Lata Mittal, retired Secretary to the Government of India to enquire into the delinquencies of individual Police Officials and to recommend such action, as may be called for.

4. The contention of the applicant is that the initiation of the proposed Departmental Enquiry against him is premature and that his conduct along with that of others similarly situated is bound to be gone into by the aforesaid Kapoor-Mittal Committee and it will prejudice his case if the Departmental Enquiry is held at this stage before the outcome of the proceedings of the aforesaid

2/24/90

Committee is known. He has relied upon the decision of this Tribunal in Shoorvir Singh Vs. Lt. Governor, Delhi and Others, ATR 1988(1) CAT 708, which was decided on 3.12.1987.

5. In our opinion, the case of the applicant is similar to that of Shoorvir Singh, who was also an Inspector of Police and against whom similar action had been proposed. The Tribunal accepted the contention of Shoorvir Singh and expressed the view that it was premature to hold the Departmental Enquiry against the applicant. It was observed that "the conduct of the applicant along with others similarly placed is bound to be gone into by the Committee and it will prejudice the cause of the applicant if the D.E. is held at this stage even before the outcome of the proceedings of the Committee is known. We are, therefore, satisfied that to hold the D.E. against the applicant ignoring the cause of several others similarly circumstanced, as the applicant, will result in hostile discrimination. Therefore, any action against the applicant can be taken only in the light of the recommendations of the Committee, as and when made; not earlier".

6. In view of the forgoing, the Tribunal quashed the impugned order placing Shoorvir Singh under suspension as also the order initiating the D.E. against him.

7. Following the decision of this Tribunal in Shoorvir

(7)

Singh's case, we hold that any action against the applicant in the instant case will be premature at this stage and it can be taken only in the light of the recommendations of the Committee set up by the Delhi Administration, as and when the same becomes available. Accordingly, we set aside the impugned order dated 2.6.1989 and quash the same. The application is disposed of at the admission stage itself with the aforesaid directions.

The parties will bear their own costs.

Dickens
(D.K. CHAKRAVORTY)
MEMBER (A)
2nd March, 1990

Arund
2/3/90
(P.K. KARTHA)
VICE CHAIRMAN (J)