

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1950/1989

New Delhi, dated the 2th May, 1994

Hon'ble Shri B.N. Dhoundiyal, Member(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri Gian Singh
R/o House No. E-84,
East of Kailash, N/Delhi

.... Applicant

(None for the applicant)

Versus

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

2. Addl. Commissioner of Police, New Delhi Range
Delhi Police Headquarters, MSO Bldg.,
I.P.Estate, New Delhi.

3. Deputy Commissioner of Police, West District,
Police Station Rajouri Garden,
New Delhi.

4. Shri Harbans Lal, Asstt. Commissioner of Police,
D.E. Cell Vigilance Branch, Police Station,
Defence Colony, New Delhi

.... Respondents

ORDER(ORAL)

(Hon'ble Shri B.N. Dhoundiyal, Member(A))

This case came up on 26.4.94 and on the request of the 1st counsel for both the parties, it was fixed for today. This case has been shown at sl. No. 6 among the 10 cases posted peremptorily for final hearing. Though this case has been called out twice, no counsel appeared on behalf of the either parties. Shri Umesh Singh, Head Constable, D.R. states that counsel for the respondents is not present today. As this is a long pending case, we propose to dispose it ~~only~~ ^{by} on the basis of pleadings in record.

2. The applicant was working as S.I. in Delhi Police and retired from service voluntarily w.e.f.

16.9.88 (FN) He came up to this Tribunal, requesting that the departmental enquiry initiated against him as also the summary of allegations be quashed.

3. This Tribunal passed an interim order on 26.9.89, restraining the respondents from taking action in pursuance of disciplinary proceedings initiated against the applicant. This interim order continued till 6.12.1989. After hearing the parties and keeping in view of the fact that applicant has already retired voluntarily, the same was vacated.

4. After retirement of the applicant, if the respondents wish to proceed with departmental enquiry, they will have to follow the provision of CCS(Pension Rules) 1972 which have been adopted by the Delhi Police vide notification dated 17.12.1980. Under Rule 9(2) A, " departmental proceedings referred to in sub rule (1) if instituted while the Govt. servant was in service whether before his retirement or during his re-employment, shall, after the final order retirement of the Govt. servant, be deemed to be proceedings under this Rule and shall be continued and concluded by the authority by which

they were commenced in the same manner as if the Govt. servant had continued in service."

5. Thus the respondents are free to proceed under the above provisions. At this stage, this is not ^{case by} fit for this Tribunal to interfere. The application is hereby dismissed. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member (Judicial)

B.N. Dhandiyal
(B.N. Dhandiyal)

Member (A)

sk