

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH.

New Delhi dated this the 3rd March of 1994
OA.375/89 with OA 435/89 and OA 389/89

OA.375/89

SHRI C.J.ROY, HON. MEMBER (J)

SHRI P.T. THIRUVENGADAM, HON. MEMBER (A)

Constable Ved Prakash
S/o Shri Nathu Ram Sharma
R/o South District Lines,
Hauz Khas, New Delhi.

OA.435/89

ASI Ram Meena No.2558/SD

S/o Shri D.R. Meena,
R/o T-89, Kishanganj,
Loco Railway Colony,
Delhi.

OA.389/89

Constable Satya Pal Singh No.2441/SD,
S/o Shri Tikka Ram,
R/o South District Lines,
Hauz Khas, New Delhi.

.....Applicants

versus

1. Lt. Governor of Delhi,
Raj Niwas, Delhi.
2. Commissioner of Police,
Police Headquarters,
I.P.Estate,
New Delhi.
3. Additional Dy.Commissioner of Police(South)
Hauz Khas, New Delhi.
4. Inspector Surjit Singh (D.E.Cell),
Enquiry Officer,
Police Headquarters,
I.P.Estate, New Delhi.

.....Respondents

Shri S.S. Tiwari, counsel for the above applicants.

Shri Kamal Chaudhary, proxy for Shri Madhan Ghera, counsel for/
Shri Anoop Bagai, counsel for respondent No.2

Shri M.K. Giri, counsel for respondent No.3

O R D E R (Oral)

delivered by Hon. Member (J) Shri C.J. ROY

There are three applicants in this OA. All the three applicants have a common interest and therefore, we proceed to dispose of this OA with a common judgement.

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2. All the applicants in these OAs are charged for taking bribe from one Shri Yasin Khan and on a complaint from him, a departmental proceeding was initiated and an enquiry was conducted against them in which all the three applicants participated. After the enquiry was completed a show cause notice was issued by the disciplinary authority as to why a major penalty could not be imposed against them. At this stage, these OAs are filed against the said show cause notice.

3. The learned counsel for the applicant refers to the decision taken by a larger bench in OA 2842/92 delivered on 12.8.92, in which it has been observed that a show cause notice is not a final order within the meaning of Rule-16 of sub-rule-10, Delhi Police 'Punishment and Appeal' Rules, 1980.

4. The applicants filed the representations against the said show cause notice to the disciplinary authority, mainly questioning the enquiry on the ground that the very person who has given the complaint of bribe has not been examined by the enquiry officer but the statement alone was taken on file which was recorded during the preliminary enquiry.

5. Rule 15 of sub-rule-3 provides that during the course of preliminary enquiry, if any witnesses are examined, the applicant is not entitled to cross examine them, and if the witnesses are not available his statement could be taken on record.

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6. In the conspectus of the above facts and circumstances of the case, we feel that this is not the stage where we can interfere in the matter and proceed to dispose of all these OAs by way of directions to the respondents as follows:

- (i) The respondents are directed to complete the remaining portion of the departmental proceedings, taking into consideration the representations submitted by the applicants also.
- (ii) The above departmental enquiry shall be completed within a period of three months from the date of receipt of a copy of this order.
- (iii) If the applicants are aggrieved, they are given liberty to approach this Tribunal with an application for the same.

7. With these observations, the OAs are disposed of. No costs.

P. T. Thiruvengadam

(P.T. THIRUVENGADAM)
MEMBER(A)
3.3.94

✓
(C.J. ROY)
MEMBER(J)
3.3.94

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