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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1176 of 1990.

Date of Decision: 31.5.93.

Jai SinghPetitioner.

Versus

Commissioner of Police & others.....Respondents.

CORAM:

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman,

Hon'ble Mr. S. R. Adige, Member(A)

For the applicant: Shri B.S. Charya, Counsel.

For the respondents: Mrs. Avnish Ahlawat, Counsel.

JUDGMENT(ORAL)

(By Hon'ble Mr. Justice S.K. DHAON, VICE CHAIRMAN)

Disciplinary proceedings had been initiated against the petitioner. On 21.5.90, the Enquiry Officer submitted a detailed report. One Shri, Shri U.K. Katna, Deputy Commissioner of Police issued a show cause notice to the petitioner as to why he should not be dismissed from service. At that stage, he came to this Tribunal by means of this application. This Tribunal passed an interim order that further proceedings shall remain stayed. That order operates even now.

2. We have heard the learned counsel for the parties.

3. We have gone through the Enquiry Officer's report. It is clear that the doctor concerned gave a definite opinion that the petitioner had not consumed liquor when he was examined by him. We are informed that Shri U.K. Katna is not a Deputy Commissioner of Police now. So the matter will be dealt with by a Deputy Commissioner of Police, other than Shri Katna. Even if Shri Katna continues to be the Deputy Commissioner of Police, this, in our opinion, is a fit case where a direction should be issued

that Shri Katna should not deal with the case of the petitioner. If Shri Katna has not been transferred so far, any other competent Officer shall deal with the case.

4. The Officer, who will deal with the case of the petitioner, shall keep in view the fact that the medical opinion is in favour of the petitioner. He shall also dispose of the matter on merits and in accordance with law and in disregard of the fact that a show cause notice had been issued to the petitioner by Shri Katna.

5. With these directions, this application is disposed of finally. No order as to costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN.

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