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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.1566 of 1991.

Dated: 17.1.1992.

Shri Vinod Kumar

...Applicant

V/s

The Commissioner of Police
and others

...Respondents

CORAM:

THE HON'BLE MR. JUSTICE RAM PAL SINGH, VICE-CHAIRMAN.
THE HON'BLE MR. P.S. HABEEB MOHD., MEMBER (A).

Shri J.P.S.Sirohi

...Counsel for the applicant

Shri T.S.Kapoor

...Counsel for the respondents.

O R D E R (ORAL)

Both the counsel are heard finally at the admission stage.

2. By this OA, filed under Section 19 of the Administrative Tribunals Act of 1985, the applicant challenges annexure A-I dated 12.6.91, by which the departmental inquiry has been ordered by the disciplinary authority. He also prayed for quashing of the order of the respondent no.4, the enquiry officer, dated 19.6.91, whereby the summary of allegations have been framed by the enquiry officer. The applicant also prays for his reinstatement from the date of suspension, i.e., 4.6.91 with all consequential benefits.

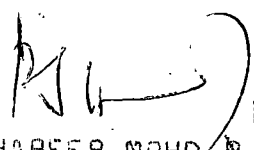
3. The respondents on notice appeared and controverted the contents of the O.A. and averred that the OA is premature; that the inquiry is still going on; that the departmental enquiry are still available to the applicant.

4. Learned counsel for the applicant drew our attention towards the copy of the statements of the witnesses which is being recorded during the inquiry. He contends

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that no case is made out against the applicant. He has further contended that in the enquiry, no evidence has been introduced by the Presenting Officer which may inculcate the applicant. Learned counsel for the applicant also contended that the inquiry is being conducted in a malafide manner.

5. After perusing the documents, it is evident that the inquiry is still going on and it has not been concluded. The Inquiry Officer is yet to appreciate the evidence of the witnesses who are being examined. According to the procedure, the Inquiry Officer is required to submit his inquiry report to the disciplinary authority after supplying a copy of the report ^{to the applicant}. The disciplinary authority shall again afford an opportunity to the applicant. The applicant shall again get an opportunity of hearing before the disciplinary authority. If the punishment is imposed upon the applicant, the applicant has the remedy of appeal and he again gets an opportunity for putting up his case before the appellate authority. What the learned counsel for the applicant contends is that this Tribunal should appreciate the evidence which is being recorded during the departmental inquiry at this very stage. There is no order against which the applicant is aggrieved because no penalty has been imposed upon the applicant as yet. A DA can be filed under Section 19 of the Administrative Tribunals Act, 1985 only when he is aggrieved by an order. The order of initiating departmental inquiry cannot be said to be illegal and cannot be challenged at the pre-mature stage. We ^{are,} therefore, of the view that the DA has been filed at a pre-mature stage without availing the procedure prescribed for the departmental inquiry. As the DA is pre-mature, we are not inclined to admit it for final hearing. Therefore, this DA is dismissed as pre-mature.


(P.S. HABEES MOHD.)
MEMBER (A)


(RAM PAL SINGH)
VICE CHAIRMAN