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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 1609/1991

Date of decision: 27.07.1993

Shri Mohinder Singh

...Petitioner

Versus

Delhi Administration & Others

...Respondents

For the Petitioner

...Shri Shyam Babu, Counsel

For the Respondents

...Ms. Gurmeet Bindra, proxy counsel for
the respondents.

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUDIYAL, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

Disciplinary proceedings were initiated against the petitioner under the Delhi Police Act. An enquiry officer had been appointed. He submitted his report to the punishing authority. That authority on 27.05.1991 issued a show cause notice. Before any final order could be passed in the disciplinary proceedings, the petitioner approached this Tribunal by means of this O.A.

2. On 18.07.1991 an interim order was passed to the effect that final order may not be passed by the punishing authority. The interim order is operating even now.

3. We have heard the learned counsel for the petitioner at length. We are satisfied that the punishing authority had the jurisdiction to issue the show cause notice. It has been strenuously urged on behalf of the petitioner that there was no

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material before the punishing authority for issuing a show cause notice. It is also argued that certain findings recorded are perverse. We are deliberately refraining from expressing any view on the contention advanced. Any opinion expressed by us, at this stage, may be prejudicial to both the sides. Having considered the matter with anxiety, we have no hesitation in recording the finding that the petitioner came to this Tribunal at a rather premature stage. He should have given a reply to the show cause notice and urged before the punishing authority all the arguments advanced before us. We are informed that a reply to the show cause notice has been given by the petitioner. The punishing authority shall now proceed with the case of the petitioner and decide it on merit and in accordance with law after taking into consideration the reply given by the petitioner to the show cause notice.

4. It goes without saying that if an order adverse to the petitioner is passed, he will have a right of appeal and thereafter, if necessary, he will have a right to approach this Tribunal by means of a fresh OA.

5. The application is dismissed. The interim order passed on 18.07.1991 is vacated.

B. N. Dhoundiyal
(B.N. DHOUNDIYAL)
MEMBER (A)
27.07.1993

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN
27.07.1993

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