

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

O.A. 1871/91

Dated of decision : 29.03.1993

Shri Pradeep Kumar

...Applicant

Versus

Commissioner of Police & Others

...Respondents

CORAM :-

The Hon'ble Mr Justice S.K. Dhaon, Vice-Chairman (J)

The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the Applicant : Shri Shankar Raju, Counsel

For the respondents : Shri Dinesh Kumar, Counsel

JUDGEMENT (Oral)

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

Disciplinary proceedings were initiated against the applicant. An Enquiry Officer was appointed. The Department produced 16 witnesses before him. Some of the witnesses were cross-examined by the applicant. He refused to cross-examine some witnesses even though their Examination-in-Chief was conducted in his presence. Some witnesses were examined in his absence as he failed to appear on the date ~~date~~ fixed. At that stage, the applicant came to this Tribunal with this O.A. The allegation, in main, was that the enquiry officer was biased against the applicant. During the pendency of this application the appellate authority, changed the enquiry officer. Now the proceedings will be before a different Officer. In view of this development, the grievance of the applicant has disappeared and the application has become infructuous.

2. Counsel urges that the appellate authority should have directed a de novo enquiry. He contends that we should give such a direction. We are not inclined to do so at this stage.

(12)

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3. The Punishing Authority will pass a final Order. It may exonerate the applicant. If an order adverse to the applicant is passed, it will be open to him to come to this Tribunal by means of a fresh O.A. after exhausting the alternative statutory remedy/remedies. Then, he may make a grievance that his right was prejudiced on account of the fact that he had been denied the opportunity to cross-examine the Departmental witness. If such a plea is taken, the same shall be examined on merits.

With these observations this application is dismissed. No order as to costs.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER (A)

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

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