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

O.A.No.2059 of 1991

Date of Decision: 20.4.93

Rajinder PrasadApplicant.

Versus

The Commissioner of Police, Delhi & others

.....Respondents.

CORAM

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

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

For the applicant: Shri Shyam Babu, Counsel.

For the respondents. Shri V.K. Rao, Proxy Counsel
for Shri A.K. Sikri, Counsel.

JUDGMENT (ORAL)

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

Disciplinary proceedings were initiated against the petitioner under Delhi Police (Punishment & Appeals) Rules, 1980 (hereinafter referred to as the rules). A summary of allegations were supplied to him. Some evidence was led in support of the allegations. Thereafter, a formal charge was drawn-up. Then he came to this Tribunal by means of this application and obtained an interim order that further proceedings will remain stayed during the pendency of this application.

2. In the fore-front, the submission is that the respondents acted illegally in drawing up the charges in so far as certain allegations which did not find place in the summary of allegations, have been included. We have read the summary of allegations and the charges carefully and we find that the petitioner is right in his submission that three additional matters have been introduced in the charges. They are:-

- 1) The petitioner had falsely arrested Ram Singh under Section 107 Cr.P.C

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when there was no dispute about the possession of land.


- ii) The petitioner had demanded a huge amount of money and accepted Rs.10,000/- and Rs.5000/- as illegal gratification.
- iii) The petitioner failed to have proper supervision in the capacity of Inspector.

3. We are not inclined to direct a denovo enquiry as contended by the learned counsel for the petitioner. We are informed that before the charges were framed, certain witnesses were examined by the prosecution and the petitioner had a right to cross-examine them. There is force in the contention that the petitioner was handicapped in cross-examining such witnesses who have deposed regarding the additional matters.

4. In order to ensure that no prejudice is caused to the petitioner, we direct that it will be open to him to make an application to the Enquiry Officer requesting him to re-examine those witnesses from whom the additional matters had been elicited by the department. If such an application is made, the Enquiry Officer shall summon the witnesses for further cross-examination by the petitioner. The petitioner will be at liberty to adduce evidence in support of his case. Thereafter, the Enquiry Officer shall record his opinion in accordance with law.

5. With these directions, this application is disposed of finally. The interim order, passed on 10.9.91, is vacated.

6. There shall be no order as to costs.


(S.R. ADIGE)
MEMBER(A)


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

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