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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 2172/91

New Delhi, dated the 24th Nov. 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE MR. D.C. VERMA, MEMBER (J)

Shri Bal Kishan (306/Cr.)
S/o Shri Rizak Ram,
Gr. No. 4387, Block- P-23,
Mori Gate,
Hamilton Road,
New Delhi-110006.

..... APPLICANT

(By Advocate: Shri Shyam Babu)

VERSUS

1. Delhi Administration, Delhi
through the Chief Secretary,
5, Sham Nath Marg, Delhi.

2. Dy. Commissioner of Police,
Crime & Railway, Delhi.

3. Commissioner of Police, Delhi.
Police Hqrs., I.P. Estate,
New Delhi.

..... RESPONDENTS

(By Advocate: Shri Rajinder Pandita)

ORDER (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri Bal Kishan, Constable, Delhi Police has impugned the order dated 8.8.91 drawing up departmental proceedings against him on the allegation that he has been consuming Opiates (Smack) and is also dependent upon heroin.

2. It appears that the applicant was placed under suspension on 17.6.84 because he was involved in two criminal cases, and the suspension

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still continues. His case is that even if he were consuming the opiates and was dependent upon heroin, it would ^{not} amount to misconduct, while under suspension within the meaning of Section 21 Delhi Police Act as he was not on duty at the relevant time.

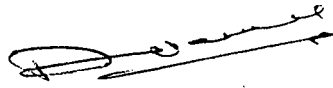
2. Section 20 CAT Act lays down that ~~an~~^{an} application shall not ordinarily be admitted unless the applicant has exhausted all other remedies. It is no doubt ^{true} that the O.A. stands admitted, but ~~as per~~^{the spirit of} Section 20 CAT Act ^{is} that the applicant should in the first instance exhaust the legal remedies available to him, before approaching the Tribunal. In the present case those remedies have not been exhausted.

Departmental proceedings themselves are in their ^{infancy} and it is open to the applicant to place his case before the appropriate authorities.


Thereafter if any grievance still survives, the applicant has a statutory right of appeal, And after the disposal of his statutory appeal, if any grievance still survives, it is open to the applicant to approach the Tribunal through an O.A.

3. In this connection we may mention that the Hon'ble Supreme Court has consistently observed that Courts/Tribunals should not inter-dict departmental proceedings at inter-lodatory stages unless there are very strong reasons to do so. In the present case no such reasons have been highlighted. Under the circumstances this O.A. is dismissed at this stage as being premature, but leaving it open to the applicant, that in case any grievance survives after the disposal of any appeal that might be filed by him, he may agitate the same through appropriate original proceedings in accordance with law if so advised, in which he may take any, or all the grounds taken in the present O.A.

4. Before parting^{mk} the case we direct the Respondents to conclude the departmental enquiry as expeditiously as possible preferably within two months from the date of receipt of a copy of this judgment. This O.A. is disposed of accordingly. No costs.


(D.C. VERMA)
Member(J)

/GK/


(S.R. ADIGE)
Member (A)