

Central Administrative Tribunal
Principal Bench, New Delhi

11

O.A.No.2914/91

New Delhi this the 3rd day of July, 1996.

Hon'ble Shri S.R. Adige, Member (A)
Hon'ble Dr A. Vedavalli, Member (J)

Const. Parkash Singh No.2520/DAP
S/o Shri Nem /singh,
R/o Barrack No.10, New Police Lines,
Kingsway Camp, New Delhi.....Applicant

(By Advocate : Shri Shankar Raju)

VERSUS

1. The Commissioner of Police,
Police Headquarters, MSO Building,
I.P. Estate, New Delhi.
2. Dy Commissioneer of Police,
(IIIRD BN.) D.A.P. Kingsway Camp,
Delhi.19 ...Respondents

(By Advocate : Shri BS Oberoi, Proxy Counsel for
Anoop Bagai)

ORDER (ORAL

(By Hon'ble Shri S.R. Adige, Member (A))

We have heard learned counsel for both

Sides.

2. Shortly stated the applicant was placed
under suspension w.e.f. 31.01.87 vide DCP's
order dated 2.4.87 (Ann A-1) consequent to his
alleged involvement in criminal case U/Sec.
302/307 IPC and 25 Arms Act.

3. The respondents contend that during the
period of his suspension the applicant
unauthorisedly absented himself from Headquarter
on various dates for which he was proceeded
against departmentally. It is not denied that
the criminal case ended in the applicants'
acquittal and the suspension order was

(2)

(2)

subsequently revoked by order dated 11.3.93, (a copy of which is taken on record) and the entire suspension period from 31.01.87 to 27.03.92 has been directed to be treated as period spent on duty. Meanwhile, in so far as the applicant's alleged absence from his Headquarter on various dates is concerned the E.O. who was appointed to conduct departmental enquiry submitted his findings on 1.04.91 holding that the charge against the applicant of absence from Headquarter stood proved. A copy of the E.O. findings was furnished to the applicant vide Show Cause Notice dated 17.05.91 to file representation/Written submissions, if any. The applicant's counsel Shri Shankar Raju stated that no representation/written submission has yet been made although the applicant appeared before the disciplinary authority in O.R. on 27.11.91 and requested for leniency vide Page 4 of Respondent's counter-reply.

4. During hearing Shri Shankar Raju contended that absence from Headquarters during suspension period was no misconduct and in this connection relied upon judgement dated 17.5.95 , O.A.No.2897/88 Shri Ram Partap Shukla VS Delhi Administration.

5. Both the counsels agree that this O.A. be disposed of with a direction to the respondents that in the event the applicant submits his reply to the Show-cause notice within

(3)

13

2 weeks from today supported with copies of such judgement that he relies upon, the Disciplinary Authority should consider the same and thereafter dispose of that reply in accordance with law, the rules, and the relevant instructions on the subject by means of a detailed and speaking order within 4 weeks from the date of filing of the reply by the applicant. Before the Disciplinary Authority finally dispose of that reply he should give the applicant reasonable opportunity of being heard in person.

6. In the event the applicant fail to file his representation within the time prescribed above, it will be open to the respondents to pass an ex parte order in accordance with law.

7. This O.A. is disposed of accordingly.
No costs.

A. Vedavalli

(Dr A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Member (A)

sss