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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

R.A.No.85/1997

IN

O.A.No.2964/91

New Delhi: this the ¹²30 day of JUNE, 1997.

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

HON'BLE MRS.LAKSHMI SWAMINATHAN MEMBER(J).

Shri Azad Singh Kadian,
S/o Late Sh.Surat Singh Kadian,
R/o Flat No.18, Sunrise Group Housing Society,
Block-D, Vikaspuri,
New Delhi Review Applicant.

Versus

1. The Commissioner of Police,
Delhi Police,
Police Headquarters,
I.P.Estate,
New Delhi.
2. The Addl. Commissioner of Police,
Delhi Police Southern Range,
Police Headquarters,
I.P.Estate,
New Delhi.
3. The Deputy Commissioner of Police,
West Distt. Delhi Police,
Rajouri Garden,
Delhi.
4. Shri Harbans Lal,
Asstt. Commissioner of Police,
DE Cell,
Vigilance Branch,
Police Station Defence Colony,
New Delhi Respondents.

ORDER(BY CIRCULATION)

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

Perused the RA.

2. The first ground taken, that there is no question of deemed suspension of applicant w.e.f. 10.8.90, as he was never placed under suspension, cannot be a ground for review as this

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direction has been expressly given by us in the light of Hon'ble Supreme Court's judgment in State of Punjab Vs. Dr. H.S. Greay JT 1996(5) SC 403.

3. Similarly the second ground is also no ground for review, because firstly our impugned judgment dated 24.1.97 is not an appellate order under Rule 27(C) Delhi Police (P & A) Rules and secondly because it has expressly followed the Hon'ble Supreme Court's direction in Greay's case (Supra).

4. Similarly the third ground also is not one that can be taken in review, because the direction to determine the manner in which the suspension period is to be treated in accordance with rules upon the conclusion of the departmental inquiry, would necessarily follow from the direction that pending the inquiry applicant will be deemed to be under suspension.

5. The fourth ground that the Enquiry Officer did not give any finding regarding the alleged mis-behaviour of applicant with the family of Shri Pratap Chand is wholly without merit in the light of the concluding portion of E.O's report dated 15.2.90. Similarly the contention that the approval of the Addl. Commissioner of Police (Southern Range) was required to be taken in accordance with Rule 15(2) Delhi Police (P & A) Rules cannot be a ground for review as Rule 15(2) does not specify

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that by Addl. Commissioner of Police concerned is meant the appellate authority.

6. The next ground taken that the DCF/DE Cell could not have appointed the Enquiry Officer in terms of Rule 16(1) Delhi Police (P & A) Rules is a question of legal interpretation. In para 7 of our judgment we have held that the appointment of ACP(DE) Cell by the Dy. CP, DE Cell is not so grave or violative of Rule 16(1) Delhi Police (P & A) Rules. If applicant is dissatisfied with this interpretation, it is open to him to challenge the same, but not through an RA, the scope and ambit of which is extremely limited and is confined by Section 22(3) (F) AT Act, and Order 47 Rule 1 C.P.C .

7. The next ground taken is that the Tribunal has erred in para 8 of impugned judgment in holding that applicant had not taken the ground with regard to violation of Rule 15(3) Delhi Police (P & A) Rules, in view of grounds 'I' & 'S' of the OA. Ground(I) talks of Rule 16 (iii) and not of Rule 15(3). Similarly Ground(S) has not specifically referred to Rule 15(3). Furthermore we have discussed the ground regarding violation of Rule 15(3) in detail in our judgment, and it is the violation of the statutory provision contained in Rule 15(3) that has led us to hold that this case warrants our judicial intervention.

8. While intervening , we have kept the ratio of the Hon'ble Supreme Court's judgment in Dr. H.S. Greasy's case (Supra) in ~~fo~~ ^{mind}, which

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in our view fully covers the present case. Here again if applicant is dissatisfied with this legal interpretation, it is open to him to challenge the same, but not through an RA whose scope and ambit as already pointed out is circumscribed by Section 22(3)(f) AT Act read with Order 47 Rule 1 CPC.

9. Under the circumstance we hold that the impugned judgment require no review. The RA is accordingly rejected.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J).

S. R. Adige
(S. R. ADIGE)
MEMBER(A).

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