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(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 528/1991

Date of decision: 04.05.1993

Shri Harish Chandra Yati

...Applicant

Versus

Commisssioner of Police & Others

...Respondents

For the Applicant

..Shri N. Safaya, Counsel

For the Respondents

..Shri Ashok Kashyap, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. S.R. ADIGE, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT

(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman(J))

The material averments in this application are these. On 23.08.1990, the petitioner was posted at Police Station, Indira Gandhi International Airport, New Delhi. A case under Section 420 IPC FTR No.37/91 was registered at the said Police Station and the investigation was entrusted to the petitioner. On 16.1.91, the accused of the said FIR was produced before the Additional Chief Metropolitan Magistrate and a request was made for judicial remand. On the same day, the petitioner informed respondent No.3 (the said SHO)

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that there was some clerical mistake in the documents of the passenger and that enough material has not been given. The SHO took the file from the petitioner. He was not allowed to complete the case diary. On 21/22.1.91 the accused filed an application in the court. The said application was marked to the petitioner for report. Since the petitioner was not in possession of the file, he asked for the same from the SHO. He (SHO) got annoyed and did not give him the file. In the absence of the the petitioner, the FIR No.37/91 was completed by Sub-Inspector Kulwant Singh. The case had been disposed of. Respondents Nos.3 and 4 had sent the case pertaining to FIR No.37/91 for cancellation to the court of Additional Chief Metropolitan Magistrate. Respondents Nos. 3 and 4 in that case had obtained the cancellation order by forging the signature of the petitioner. The petitioner, therefore, lodged a complaint before the appellate authority. Hence an order to harass the petitioner was passed that he(the petitioner) should not enter the Police Station. In spite of the complaint of the petitioner, no action was taken by respondents Nos. 1 and 2 against respondents Nos. 3 and 4.

2. The prayer is that the order passed by respondent No.3 banning the entry of the petitioner into the Police Station be quashed. The other is that the Respondent Nos. appropriate

1 and 2 may be directed to take action against the respondent No.3.

3. A counter-affidavit has been filed on behalf of the respondents. The material averments in the said affidavit are these. The entry of the petitioner was never banned in the Police Station. The petitioner has been transferred from the Police Station and his services have been suspended. An enquiry on the basis

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of the petitioner's complaint was directed by respondent No.2 and the same was conducted by Shri J.S. Randhawa, ACP(Administration).

4. So far as the first grievance is concerned, this petition has become infructuous in view of the order transferring the petitioner. So far as the second grievance is concerned, it is averred and it is clear that respondent No.2 (the DCP) has already ordered that an enquiry may be held by Shri J.S. Randhawa, ACP(Administration). However, so far, the petitioner has not been favoured with the report of Shri J.S. Randhawa. The appropriate authority shall furnish to the petitioner a report submitted by Shri J.S. Randhawa, ACP(Administration) within a period of 3 weeks from the date of production of a certified copy by the petitioner before the relevant authority.

5. With these directions, this application is disposed of finally. There shall be no order as to costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)
04.05.1993

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S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN
04.05.1993