

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.2583/2004

Friday, this the 8th day of July 2005

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.K. Naik, Member (A)

Mahinder Singh Parasher
S/o Late Shri Parma Nand
R/o 1119, Timar Pur, Delhi

Applicant

(By Advocate: Shri Ravi Kant Jain for Shri Arun Bhardwaj)

Versus

1. Union of India through Commissioner of Police
Police Headquarters, IP Estate
New Delhi
2. Joint Commissioner of Police
Vigilance
Police Headquarters, IP Estate
New Delhi
3. Deputy Commissioner of Police
Vigilance,
Police Bhawan
Asaf Ali Road, New Delhi
4. Assistant Commissioner of Police
Vigilance
Police Bhawan,
Asaf Ali Road, New Delhi

Respondents

(By Advocate: Shri Ram Kanwar)

O R D E R (ORAL)

Justice V.S. Aggarwal:

Disciplinary proceedings had been initiated against the applicant (Mahinder Singh Parasher) on the allegation that while posted in IVth Battalion, DAP, a complaint had been received from one ASI (Min.) Kiran Yadav pertaining to gender harassment by the applicant at the work place. The matter was inquired into by Ms. Versha Sharma, Assistant Commissioner of Police, who submitted a report that the applicant while posted as Head Clerk used to pass objectionable remarks against ASI Kiran Yadav and that this amounted to gender harassment at work place.

2. Departmental inquiry was conducted by Smt. Nirmal Verma, Assistant Commissioner of Police. The findings were adverse to the applicant. A show cause

18 Ag

notice was issued to him. After the same, the applicant was awarded a major penalty by Deputy Commissioner of Police on 22.2.2001. The applicant filed an appeal, which was rejected by the Joint Commissioner of Police on 8.8.2001. Keeping in view the same, the name of the applicant was brought on secret list for a period of three years. He had filed OA-2483/2001 in this Tribunal. It was decided on 31.10.2002 with a direction to the respondents to pass a fresh order. In compliance of the directions of this Tribunal, disciplinary authority had passed a fresh order imposing penalty of censure vide order of 17.1.2003. The applicant filed appeal against the said order, which was rejected on 1.5.2003. He had thereafter filed OA-1314/2003, which was decided on 4.12.2003. The same was allowed with the following directions:

- “a) the impugned orders are quashed; and
- b) nothing said herein would restrain the disciplinary authority from passing a fresh order, if deemed appropriate, keeping in view the penalty that has not been awarded.”

3. The applicant had filed another OA-1332/2003, which was decided on 22.1.2004. Therein, this Tribunal had quashed the order imposing the penalty of censure. The order reads:

“14. We are of the considered opinion that if there was gender harassment, penalty of censure may be improper but in the facts of the present case, keeping in view the sequence of events it cannot be permitted that the applicant could be awarded the censure in the absence of the evidence of the findings recorded. Thus, the impugned orders cannot be sustained. In face of the aforesaid, we are not delving into other controversies. Resultantly, we quash the impugned orders. No costs.”

4. The precise grievance of the applicant presently is that once the penalty imposed on the applicant has been set aside, the name of the applicant cannot be kept in the secret list of doubtful integrity.

5. The petition is being opposed.

6. On facts, there is little controversy.

7. We do not dispute that in appropriate cases in accordance with law and the procedure, the name of the person may be kept in secret list of persons of doubtful integrity but once the penalty as such has been set aside and our attention has not been brought to any order passed by the Tribunal for imposing any other penalty,

18 Ag

3
VO

there is no ground for keeping his name in the secret list of persons of doubtful integrity.

8. Resultantly, we allow the present application and direct:

- a) the name of the applicant should be deleted from the secret list of persons of doubtful integrity from its inception and
- b) his claim should be considered for consequential benefits in accordance with law.

~~Decided~~
(S.K. Naik)
Member (A)

Ag e
(V. S. Aggarwal)
Chairman

/sunil/