

Central Administrative Tribunal  
Principal Bench, New Delhi

(8)

O.A.Nos.535A & 656 of 2004

Wednesday, this the 17<sup>th</sup> day of November 2004

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

OA-535A/2004

Constable Harpal Singh 701/NW  
S/o Shri Fateh Singh  
R/o Qtr. No.E-39  
Police Colony Model Town  
Delhi

OA-656/2004

Constable Kartar Chand  
S/o Shri Sadhu Ram  
R/o Qtr.No.99  
Police Colony, Ashok Vihar  
Delhi

..Applicants

(By Advocate: Shri Sachin Chauhan)

Versus

1. Union of India through  
Secretary, Ministry of Home Affairs  
North Block, New Delhi
2. Additional DCP  
North West District, Delhi
3. Joint Commissioner of Police  
Northern Range, Delhi

..Respondents

(By Advocate: Shri Ajesh Luthra)

ORDER (ORAL)

Justice V. S. Aggarwal

By this common order, we propose to dispose of the two original applications (OAs 535A and 656 of 2004). This is for the reason that the applicants were the co-delinquents in the departmental proceedings initiated against them. Therefore, a common order can be passed.

6. By virtue of the present applications, the above-said orders and the report of the inquiry officer are being assailed.

7. Needless to state that the applications are being contested by the respondents.

8. Learned counsel for applicants urged certain facts on the merits of the matter. We are not expressing ourselves on the same. But we take up the plea of the applicants contending that the report of the inquiry officer does not indicate as to which part of the charge is proved. Unfortunately, this fact was not even noticed by the disciplinary authority, which accepted the said report.

9. We have already reproduced above the operative part of the report of the inquiry officer. The inquiry officer, as already referred to above, had framed a charge. This pertained to the fact that the applicants were doing illegal checking of the vehicles near Lokesh Cinema Nangloi on Rohtak Road with malafide intention and ulterior motive. The reproduced portion of the report of the inquiry officer speaks volume because certain findings had been arrived at. Ultimately, he concluded that the charge is partly proved. We are at a loss to understand as to which part of the charge has been stated to have been proved and which is not proved. It is too vague and indefinite finding, which has been accepted by the disciplinary authority.

10. A word of caution only may be added. It is hoped that while making a report, a specific finding should be arrived at and the disciplinary authority is also expected simultaneously to look into this fact rather than accepting the same as presented.

11. With these observations, we quash the impugned orders and direct:

- a) if deemed appropriate, the disciplinary authority may direct the inquiry officer to submit a fresh report and thereafter further proceedings may be taken in the matter.

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- b) Consequential benefits should accrue to the applicants and be given preferably within three months of the receipt of a certified copy of the present order; and
- c) Nothing said herein should be taken as any expression on the other facts.

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( S. K. Naik )  
Member (A)

( V. S. Aggarwal )  
Chairman

/sunil/