

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(1)

Regn. No. O.A. No. 1611/1992

Date of decision 1.7.1992

Applicant

Mali Ram

Counsel for the applicant

A.S. Grewal

vs.

U.O.I.

Respondents

CORAM

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman(J).

The Hon'ble Mr. I.P. Gupta, Member (A).

JUDGMENT (ORAL)

Heard Shri A.S. Grewal on admission.

2. A departmental inquiry was held against the applicant for having committed the misconduct of misbehaviour with his superior officer in the presence of other persons, under the Delhi Police Act. After the inquiry, the disciplinary authority imposed the penalty of removal from service upon the applicant. Shri A.S. Grewal contended that no preliminary enquiry was held before the disciplinary proceedings were started. His contention is that the preliminary enquiry should have been held to ascertain the truth of misconduct or to identify the person who was guilty. This is the sole ground urged by him.

3. A preliminary enquiry can be held under the provisions of Rule 15(2) of Delhi Police (Punishment and Appeal) Rules, 1980, but holding of a preliminary enquiry is not a *sine qua non* to the holding of the departmental enquiry. It depends upon the discretion of the disciplinary authority whether to hold a preliminary enquiry or not. If the preliminary enquiry was not held before the disciplinary proceedings started, no prejudice can be said to have been caused to the applicant. The rule quoted hereinabove is very clear and does not need any elaboration. We have gone through other documents and we are of the view that this O.A. is bereft of any merit. We, therefore, dismiss it without notice.

I.P. Gupta
(I.P. GUPTA)
MEMBER (A)

Ram Pal Singh
(RAM PAL SINGH)
VICE-CHAIRMAN (J)