

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

NEW DELHI, THIS THE 4th DAY OF DECEMBER, 1992.

HON'BLE SHRI JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE SHRI S.P.BISWAS, MEMBER (A).

Shri Triloki Nath (27/L),
son of Shri Ved Parkash,
resident of D-23, Yadav Nagar,
Samaipur, NEW DELHI-42.

...APPLICANT

(BY ADVOCATE SHRI SHYAM BABU)

Versus

1. Delhi Administration, Delhi
through its Chief Secretary,
5, Sham Nath Marg,
Delhi-110054.

2. Commissioner of Police, Delhi,
Police Headquarters, I.P.Estate,
NEW DELHI-110002.

....RESPONDENTS.

(BY ADVOCATE SHRI VIJAY PANDITA)

ORDER

JUSTICE K.M.AGARWAL:

By this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has made a prayer for quashing the impugned order dated 16.8.1991 (Annexure-B), containing a decision of the respondents to include the name of the applicant in the list of persons of doubtful integrity.

2. Briefly stated, the applicant was working as a Constable in the office of the Deputy Commissioner of Police, Delhi. While so working, he was punished by reduction of his pay from Rs.1020/- to Rs.980/- for a period of two years on the ground that he had stolen petrol from car No. DIA-6668 (under repair) for use in his own scooter No.DDR-9433. In appeal, the punishment of reduction of pay for a period of two years was reduced to one year by observing that there was no evidence to show that the petrol was removed from the car by the applicant for use in his own scooter, though it was found that the petrol was removed, which could be for the purpose of cleaning certain parts of the car which was under repair. After this incident, the impugned order dated 16.8.1991 was served on the applicant, informing him that his name was included in the list of persons of doubtful integrity. Being aggrieved, the applicant filed the present O.A. for

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the said relief. The respondents resisted the application.

3. At the time of hearing, the learned counsel for the respondents submitted that by subsequent order dated 7.7.1995, the name of the applicant was removed from the aforesaid list of persons of doubtful integrity and, therefore, the application became infructuous. However, the counsel for the applicant submitted that the application could not be said to have become infructuous because certain adverse consequences were to follow pursuant to the impugned order and that in fact some such adverse consequences had to be suffered by the applicant. In these circumstances, we proceed to decide the case on merits.

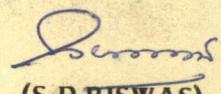
4. The only basis for passing the impugned order against the applicant was the allegation that he was found stealing petrol from the car under repair for use in his own scooter. That allegation was not found proved by the appellate authority and, therefore, we are of the view that there was no justification or material with the respondents for passing the impugned order of including the name of the applicant in the list of persons of doubtful integrity. Accordingly the impugned order deserves to be quashed.

5. As the main prayer made in the application is for quashing the impugned order and no specific instance of any adverse consequence pursuant to the impugned order is mentioned in the application, we are not inclined to grant any additional relief to the applicant in this O.A. Whatever be the consequences of quashing the impugned order against the applicant, however, shall automatically flow and be available to the applicant.

6. In the result this application succeeds and it is hereby allowed. The impugned order dated 16.8.1991 (Annexure-B) is quashed. No costs.



(K.M.AGARWAL)
CHAIRMAN


(S.P.BISWAS)
MEMBER (A)