

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2584/92

New Delhi this the 12th day of November, 1997.

Hon'ble Shri S.R. Adige, Vice Chairman(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

In this matter of:

Smt. Sheela Rani
W/O Late Sh. Chotu Ram Dahiya & Ors

Vs

The Commissioner of Police & Anr.

Memo. of parties.

Smt. Sheela Rani
W/O late Shri Chotu Ram Dahiya
R/O Village & P.O. Jharoth,
Near Kharkhoda, Distt. Sonapat.

Master Ravikant Dahiya
(Aged 6 years)
S/O late Sh. Chotu Ram Dahiya,
R/O Village & P.O. Jharoth,
Near Kharkhoda, Distt. Sonapat.

Master Kamalkant Dahiya
(Aged 3 years)
S/O late Sh. Chotu Ram Dahiya,
R/O Village & P.O. Jharoth,
Near Kharkhoda, Distt. Sonapat

(None for the applicants)

..Applicants

VS

The Commissioner of Police,
PHO MSO Building,
I.P. Estate, New Delhi-2

Deputy Commissioner of Police
(North East)
Police Station Welcome,
Shahdara, Delhi-32

(By Advocate Sh. Vijay Pandita)

..Respondents

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman(A)

The applicant had initially filed this OA on 30.9.92

(22)

against the findings of the Enquiry Officer's report dated 1.7.91 (Annexure P.1) on a departmental enquiry instituted against him in respect of certain charges. Meanwhile during the pendency of the OA, applicant unfortunately expired, upon which his legal heirs were allowed to be impleaded in his place by order dated 20.10.1993, whereupon those LRs filed an amended OA on 19.11.1993. Thereafter respondents file their reply on 7.2.1994, to which no rejoinder appears to have been filed as yet.

2. Meanwhile, by the Tribunal's initial ex-parte order dated 1.10.92, respondents were restrained from passing any final orders in the departmental enquiry initiated against the applicant, and in the absence of any orders in the Departmental enquiry which have been brought on record, it is presumed that final orders in the D.E. still remain to be passed.

3. None appears for the applicant when the case came up for hearing, although it was listed at serial No.8 of the regular hearing list today. Shri Vijay Pandita appeared for the respondents and was heard.

4. In a catena of judgments, the Hon'ble Supreme Court has strongly deprecated the practice of Courts/Tribunals interdicting departmental proceedings at an inter locutory stage unless there are very exceptional circumstances to warrant such interference. In the present case, no such exceptional circumstances have brought our notice.

5. Under the circumstances in the event that the departmental enquiry still survives even after the death of the applicant, we dispose of this OA by vacating the interim order and directing respondents to pass a detailed speaking and reasoned order on the E.O.'s findings, in accordance with law within one month from the date of receipt of a copy of this order. While doing so they will keep in view the fact that at the time of his death the original applicant left behind his wife, who is stated to

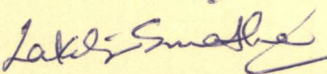
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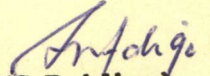
to be unemployed and two minor childrens.

6. If any grievance still survives after the statutory remedies have been exhausted it will be open to applicants LRs to agitate the same through appropriate original proceedings in accordance with law.

7. Meanwhile all legitimate dues payable to the applicant should be released to his LRs in accordance with law if not released already.

8 With the aforesaid directions, this OA is disposed of. No costs.


(Smt. Lakshmi Swaminathan)
Member(J)


(S.R. Adige)
Vice Chairman(A)

S.K.