

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 2898/92

DECIDED ON : 11.11.1992

Tarsem Pal Sharma

... Applicant

Vs.

Commissioner of Police & Ors. ... Respondents

CORAM :

THE HON'BLE SHRI P. C. JAIN, MEMBER (A)

THE HON'BLE SHRI S. R. SAGAR, MEMBER (J)

Applicant through Shri S. K. Bhaduri, Counsel

ORDER (CRAL)

Hon'ble Shri P. C. Jain, Member (A) :

We have heard the learned counsel for the applicant on admission as well as on interim relief.

2. The applicant in this O.A. is an Inspector in the Delhi Police. His grievance is against the memorandum dated 12.3.1992 (Annexure-D) by which a departmental inquiry in connection with the alleged lapses on his part pursuant to the assassination of the then Prime Minister in October, 1984, has been started against him. His further grievance is that because of the pendency of these disciplinary proceedings, his case for promotion to the post of ACP has been kept in sealed cover which should not have been done and in that connection he has assailed Rule 5(iii) of the Delhi Police (Punishment & Appeal) Rules, 1980. He has accordingly prayed for quashing of the memorandum dated 12.3.1992, declaring the aforesaid rule as ultra vires, for a direction to promote him to the post of ACP and for

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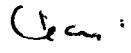
restraining the respondents from promoting any person junior to him to the post of ACP. As an interim relief, he has prayed for a direction for his promotion to the post of ACP immediately as also for restraining the promotion of his juniors. However, as submitted by the learned counsel for the applicant, his immediate grievance is the alleged delay in completing the departmental proceedings initiated against the applicant, which is also substantiated by the representations which he has made to the authorities concerned in this regard and copies of which have also been filed with the O.A. Accordingly, he submitted that this O.A. may be disposed of at the admission stage itself by giving a direction to the respondents to complete the disciplinary proceedings initiated against him as aforesaid as expeditiously as possible and preferably within the period to be specified by the Tribunal.

3. We see some merit in the prayer for early completion of the departmental proceedings. The summary of allegations was served on the applicant along with memorandum dated 12.3.1992. He had also promptly given a reply denying the charges levelled therein against him. His contention is that since then nothing further has happened inasmuch as no witnesses have been examined by the prosecution so far. Accordingly, O.A. 2898/92 is disposed of at the admission stage itself with the direction to the respondents to complete the disciplinary proceedings initiated against the applicant vide memorandum dated 12.3.1992 within a period of three months from the date of receipt of a copy of this order and thereafter to pass appropriate order by

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the disciplinary authority expeditiously. Needless to state that if the applicant is aggrieved by the final order passed against him in these proceedings, he would be free to approach the Tribunal at the appropriate time in accordance with law, if so advised.

  
( S. R. Sager )  
Member (J)

  
( P. C. Jain )  
Member (A)

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