

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.391 of 1992

Date of Decision: 31.5.93.

Rohtash SinghPetitioner.

Versus

Delhi Administration & othersRespondents.

CORAM:

Hon'ble Mr.Justice S.K.Dhaon, Vice-Chairman,

Hon'ble Mr.S.R.Adige, Member(A)

For the petitioner: Shri A.K.Bhardwaj, Counsel.

For the respondents: Shri A.K.Agarwal, Counsel.

JUDGMENT(ORAL)

(By Hon'ble Mr.Justice S.K.Dhaon, Vice Chairman)

In contemplation of disciplinary proceedings, an order was passed on 27.11.84 suspending the petitioner from service. On 16.5.89 an order was passed that the petitioner should be dealt with departmentally under section 21 of Delhi Police Act. On 23.9.91, an order was passed quashing the order dated 16.5.89. Thereafter no order was passed. Apprehending that fresh proceedings may be re-initiated, the petitioner has approached this Tribunal by means of this O.A. On 14.2.92, this Tribunal passed an interim order directing the respondents not to proceed with the departmental enquiry initiated against the petitioner for a period of 14 days. That order continues to operate even now.

2. A counter affidavit has been filed on behalf of the respondents.

3. Learned counsel for the parties have been heard.

4. It is clear to us that on 14.2.92, no disciplinary proceedings had been initiated against the petitioner. It is also clear to us that even now no disciplinary proceeding is pending against the petitioner. We have, therefore, no hesitation in recording the finding that this Tribunal on 14.2.92 passed an interim order

10

under some misconception.

5. Reliance has been placed by the petitioner upon a decision of this Tribunal in O.A.No.277 of 1992 ✓ and ^{other} connected O.A.s decided on 9.3.92 'Purshotam Dass Vs. Union of India'. Learned counsel for the respondents has very categorically stated to us that the respondents have no objection if an order is passed in terms similar to those passed in the case of Purshotam Dass & others.

6. Having heard the learned counsel for the parties, we feel that this is a matter where the petitioner cannot obtain any relief from this Tribunal at this stage. We, therefore, direct that if the respondents decide ✓ to reinvoke the disciplinary proceedings against the petitioner, they shall act strictly in accordance with the instructions given by this Tribunal in the case of Purshotam Dass & others.

7. With these directions, this application is disposed of finally. No order as to costs.

Anjali
(S.R. ADIKE)
MEMBER (A)

Sub
(S.K. DHAON)
VICE CHAIRMAN (J)

(ug)