

(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * *

OA 767/92

23.03.1992

SHRI HOSHIAR SINGH

...APPLICANT

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM :

HON'BLE SHRI S.P. MUKERJI, VICE CHAIRMAN
HON'BLE SHRI J.P. SHARMA, MEMBER (J)

FOR THE APPLICANT

...SHRI S.C.MEHTA

FOR THE RESPONDENTS

...NONE

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI S.P.MUKERJI, VICE CHAIRMAN)

This is the second time that the applicant, who is a retired Deputy Superintendent of Police of the Central Bureau of Investigation has come to this Tribunal challenging the disciplinary enquiry proceedings against him. In His first application, OA 2207/90 was disposed of by this Tribunal vide its judgement dt.24.9.91 with the following directions :-

2

*In the light of the above discussion, the application is disposed of with the directions to the respondents to conduct the inquiry and pass final orders as expeditiously as possible but in no event, later than six months from the date of communication of this order. We

...2...

2

also direct that the applicant should fully cooperate in the conduct of the inquiry. In case the applicant feels aggrieved by the final orders passed by the authorities concerned, he will be at liberty to file a fresh application in the Tribunal in accordance with law after he has exhausted the remedies available to him under the relevant rules. The applicant is not entitled to any other reliefs."

In the present application, the applicant has again challenged the disciplinary proceedings which were directed to be completed within six months from the date of communication of the aforesaid judgement and he has also challenged the orders of the Disciplinary Authority dt.16/27.7.90, Appellate Authorityl Order dt.18.9.90. He has adverted to a number of orders passed by the Enquiry Officer ⁱⁿ ~~the~~ _{as} day to day proceedings on ground of violation of ^{the} ~~the~~ _{as} rules of natural justice and violation of the provisions of Rule 14 of the CCS(CCA) Rules.

We have heard the learned counsel for the applicant in detail and gone through the documents. In the background aforesaid, we do not wish to intervene ⁱⁿ ~~the~~ _{as} disciplinary proceedings ^{at this stage} ~~and~~ _{as} delay it on technical grounds. The applicant has liberty to challenge the outcome of the disciplinary proceedings to the Appellate Authority in the department and if so advised, before a legal forum including this Tribunal if the occasion arises. This Tribunal cannot take

...3...



over the functions of the Enquiry Officer and intervene in the day to day proceedings of the enquiry. It is in the interest of the applicant himself that the disciplinary proceedings are brought to a ~~culmination~~^{end} as early as possible. The learned counsel for the applicant stated that he had challenged the orders of the Disciplinary Authority dt.16/27.7.90 and of the Appellate Authority dt.18.9.91 in OA 2207/90. If that be so, his further challenge in this OA is barred by the principle of res judicata. In the above circumstances, we see no merit in the application and dismiss the same at the admission stage itself under Section 19(3) of the Administrative Tribunals Act, 1985. The applicant is at liberty to challenge the outcome of the disciplinary proceedings, if so advised, in accordance with law at appropriate stage.

(J.P. SHARMA)

MEMBER (J)

23.03.1992

(S.P. MUKERJI)

VICE CHAIRMAN

23.03.1992