

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.775/92

Date of decision: 16.07.1993.

Shri Ajay Chadha

...Petitioner

Versus

Union of India & Ors.

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. C.J. Roy, Member (J)

For the petitioner Shri Shankar Raju, Counsel.

For the respondents None

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

The respondents have not filed the counter-affidavit despite the opportunities given to them vide our orders dated 1.5.92, 16.7.92, 13.11.92 and 24.3.93. In the circumstances, we have no alternative but to proceed to dispose of the case on merits on the basis of the available records.

2. The learned counsel for the petitioner Shri Shankar Raju at the outset referred us to the judgement of the Tribunal in OA 277/92 - Shri Pursushottam Dass v. Union of India & Another decided on 9.3.1992 alongwith 7 other OAs. These were the cases of the officers who were working in Delhi Police and were allegedly found delinquent during the riots of 1984. After considering the various issues raised in the said OAs the Tribunal in the operative part of its order observed as under:-

"23. Admittedly, no charge-sheet has been served on the applicants, as apprehended by them, and on that ground they are not entitled to the reliefs sought by them. They have, however, prayed for any other relief, as this Tribunal may deem just and proper in the facts and circumstances of the case. With regard to this prayer, we order and direct as follows:-

(i) Subject to the direction given in (ii) below, the respondents would be at liberty to take appropriate action in accordance with law against any of the applicants who may be alleged to have committed any lapse or misconduct in connection with the 1984 riots.

(ii) In case the truncated Kapur-Mittal Committee's report forms the basis of such action, or if the name or names of any of the applicants figure in the said report, the respondents shall, in all fairness, give a copy of the said report to them before proceeding to take any action against them. the interim orders passed in these cases are hereby vacated with the aforesaid observations and directions."

3. The petitioner before us is an officer of the I.P.S. and was working in the Delhi Police at the relevant time. He has prayed for the reliefs extended to the similarly situated persons in OA-277/92 & Others referred to earlier in this order. Since the issues of law and of fact involved in this case already stand concluded in our judgement dated 9.3.1992, we see no reason as to deny the benefit of that judgement to the petitioner herein. Accordingly we direct that the respondents:-

- i) shall be at liberty to take appropriate action, in accordance with law, against the petitioner, who may have alleged to have committed any lapse or misconduct in connection with the 1984 riots;
- ii) In case the truncated Kapur-Mittal Committee's report forms the basis of such action, or if the name of the petitioner figures in the said report, the respondents shall, in all fairness, give a copy of the said report to the petitioner before proceeding to take any action against

him. The interim order passed on 1.5.1992 shall stand vacated with the aforesaid observations and directions.

No costs.

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(C.J. ROY)
MEMBER(J)

Sukhpal
(I.K. RASGOTRA)
MEMBER(A)

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