

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

(2)

C.A. NO.1080/92

DATE OF DECISION: 22.04.92

SHRI INDRAJ SINGH

...APPLICANT

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

HON'BLE SHRI B.N. DHOUNDIYAL, MEMBER (A)

FOR THE APPLICANT

...SHRI B.S. CHARYA

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

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The grievance of the applicant, Sub Inspector of Police is against the enquiry proceedings initiated by Deputy Commissioner of Police. Respondent No.3, Shri P.C. Kota is the Enquiry Officer. The allegation of the applicant concerns the non observance of the procedure on the principles of natural justice as well as ordained in the Police (Punishment and Appeal) Rules, 1980 by the Enquiry Officer. The challenge is also to the non examination of some of the defence witnesses. It is also argued by the learned counsel that there is a gross illegality in framing the chargesheet against the

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applicant as the proceedings of recording of evidence against the applicant were not complied till 18.2.1992. It is also argued by the learned counsel that respondent No.2, Deputy Commissioner of Police (South) has erred in ^{not} enhancing subsistence allowance to 75% as six months have already expired from the date of suspension of the applicant. In this application, the applicant has claimed the relief to quash the summary allegations, the proceedings of enquiry held on 21.10.1991 and 24.10.1991 and the charges framed on 18.2.1992 and also in assailing the act of the Enquiry Officer in not allowing the documents on record and also not allowing cross examination of witnesses. It is further prayed that the further proceedings in pursuance of the summary allegations dt.9.7.1991 be stayed. The order of suspension dt.29.12.1990 be also quashed. It is further prayed that a declaration be made that the applicant had not been absent unauthorisedly as alleged in the summary of allegations. The applicant has also claimed interim relief.

2. We have given a careful consideration to the arguments advanced by the learned counsel, Shri B.S. Charya and also gone through minutely the pleadings stated in the application and the documents filed as annexures to the application.



3. The enquiry against the applicant is still in progress. It shall not be in the interest of justice to scrutinise the various levels of proceedings of the enquiry and appreciating them in order to come to a conclusion regarding the justness or otherwise of the action of the Enquiry Officer. It will amount to unnecessary interference in the proceedings of an enquiry which has been instituted against the applicant and now almost is likely to come to an end. We, therefore, find that there is no substance in the application to make out a prima-facie case for admission. The application is, therefore, dismissed at the admission stage itself. However, we leave it open to the applicant to assail all these grievances at the proper time after the conclusion of disciplinary proceedings against him and this summary dismissal of the application will not be a bar.

AKS

B N Dhoundiyal
(B.N. DHOUDIYAL) 224172
MEMBER (A)

J.P. Sharma
(J.P. SHARMA)
MEMBER (J) 224192