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In the Central Administrative Tribunal
Principal Bench, New Delhi.

Regn. No.OA-1899/93

Date: 28.10.1993.

Shri Khazan Singh

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Applicant

Versus

Delhi Administration
(Through Dy. Commr. of Police)

Respondents

For the Applicant

..... Shri Shankar Raju, Counsel

For the Respondents

..... None

Coram:

The Hon'ble Mr. J.P. Sharma, Member (Judl.)
The Hon'ble Mr. B.K. Singh, Member (A)

(Oral) Judgement

(delivered by Hon'ble Mr. J.P. Sharma, Member)

Shri Khazan Singh, who has also given in the title of the application his designation as Ex-Head Constable, assailed the order dated 29.7.1992 by which the Deputy Commissioner of Police adjourned sine die the departmental enquiry pending against the applicant initiated by the respondents by the order dated 11.10.90, observing that the final decision on resuming the aforesaid enquiry will be taken in the event the order of dismissal passed in an earlier enquiry which culminated in an order dated 21.7.1992, is ordered to be reinstated and the order of dismissal is set aside.

2. The relief claimed by the applicant is that the respondents be directed to finally conclude the

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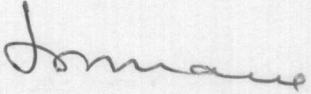
second departmental enquiry initiated by the order dated 11.10.1990 and the impugned order dated 29.7.92 be set aside. A notice was issued to the respondents and departmental representative is present.

3. We have heard the learned counsel for the applicant on admission. The contention of the learned counsel is that the respondents should pass a final order in the second enquiry initiated by the order dated 11.10.1990, so that the applicant may, if ultimately he is punished, assail the same as he has already assailed the order of dismissal dated 21.7.1990 passed in an earlier enquiry.

4. The learned counsel could not show any rule, law, precedent, circular, administrative instructions, etc., to highlight his contention that when an employee is already dismissed/removed from service, he can still be pursued in a departmental enquiry and a punishment as envisaged and laid down in the rules, can be inflicted upon such an employee. The position of law is otherwise. The contract of service which the employee entered with the Government, comes to an end by an order of punishment of removal/dismissal from service and an order of punishment can only be imposed according to the extant rules, when the employee is in occupation of service of the Government. There is a Government of India decision also that if, in

an earlier enquiry, an order of punishment has been passed on dismissal/removal, then the subsequent proceedings or pending enquiry be shelved and can only be revived after the decision in the earlier enquiry is set aside either in a departmental appeal or by an order of the Court. We do not find anything which requires our interference in the interim order. The application does not make out a prima facie case for its admission and the appeal, therefore, is dismissed under sub-clause (3) of Section 19 of the Administrative Tribunals Act, 1985.

(B.K. Singh)
Member(A)


(J.P. Sharma) 8.10.85
Member(J)