



Central Administrative Tribunal Principal Bench: New Delhi

O.A. No.1705/2021

This the 19th day of August, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Sh. Amit Prakash
Sub Inspector (Under dismissal)
CBI, AC-I, New Delhi Group B
Presently residing at
H.No.89, Ambika Enclave, Dwarka,
New Delhi – 110 078

...Applicant
(By Advocate: Mr. Rajendra Singh)

Versus

1. The Director
Central Bureau of Investigation
5-B, 11th Floor, A Wing
CGO Complex, Lodhi Road, New Delhi – 110 003

2. Head of Zone/Joint Director
CBI, AC-HQ-I, 5 B, 10th Floor
A Wing, CGO Complex
Lodhi Road, New Delhi – 110 003

3. Head of Branch/Deputy Inspector General of Police
CBI, AC-I, 5-B, 8th Floor, B-Wing, CGO Complex
Lodhi Road, New Delhi – 110 003

...Respondents

(By Advocate: Mr. Y P Singh)



ORDER (ORAL)

Hon'ble Ms. Manjula Das:

The applicant was appointed as Sub Inspector in Central Bureau of Investigation (CBI) in the year 2012. On 28.09.2015, one Ashok Sharma made a complaint to SHO, Police Station, Uttam Nagar, New Delhi against the applicant and Sachin Mehta. An FIR was also registered against both the persons in Police Station, West Delhi under Sections 384, 420, 506, 34 IPC on the allegation of extortion and cheating. The applicant was arrested and detained in custody. On this, the applicant was placed under suspension w.e.f. 29.09.2015. A charge sheet was served upon the applicant on 10.11.2015 for major penalty under Rule 8 of the Delhi Special Police Establishment (Subordinate Ranks) Discipline & Appeal Rules, 1961 and Rule 14 of CCS (CCA) Rules, 1965. Thereupon, the inquiry officer and the presenting officer were appointed. During the pendency of inquiry, the learned Chief Metropolitan Magistrate (South Dwarka), New Delhi, vide judgment dated 23.03.2019/01.04.2019, had acquitted the applicant, holding that prosecution has miserably failed to prove its case against the accused persons. Thereafter, on 13.01.2020, the inquiry officer submitted his report, finding that the charges against the applicant were proved. A copy thereof



was supplied to the applicant, who filed his written representation. Being not satisfied with the representation of the applicant, the disciplinary authority passed an order dated 22.07.2020, imposing the penalty of dismissal on the applicant. It was also ordered that the period from 29.09.2015 to 22.07.2020 shall not be treated as period on duty. Against the order of disciplinary authority, the applicant preferred a statutory appeal on 27.08.2020 to the appellate authority. It is stated that the appeal of the applicant has not been decided by the authority.

2. We heard Mr. Rajendra Singh, learned counsel for applicant and Mr. Y P Singh, learned counsel for respondents.

3. At the threshold, it is seen that the appeal preferred by the applicant is pending. Learned counsel for applicant seeks a direction to the appellate authority to decide the pending appeal of the applicant, in terms of Rule 25 of the Delhi Police (Punishment & Appeal) Rules, 1980.

4. In this view of the matter, we dispose of the O.A. at the admission stage itself with a direction to the appellate authority to decide the pending appeal of the applicant, if not already decided, within a period of two months from the



date of receipt of a copy of this order, under intimation to the applicant. We make it clear that we have not expressed any opinion on the merits of the matter.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

August 19, 2021
/sunil/mbt/vb/dd/