

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original application No.196 of 2006.

Allahabad, this the 6th day of March, 2006.

Hon'ble Mr. A.K. Bhatnagar, J.M.
Hon'ble Mr. A.K. Singh, A.M.

Harish Chandra Singh,
I.P.S., presently posted as Commandant,
Recruit Training Centre, Chunar,
Mirzapur.

....Applicant.

(By Advocate : Sri Umesh Sharma, Senior Advocate assisted
by Sri Pankaj Srivastava)

Versus

1. Union of India, through Secretary,
Ministry of Home Affairs, North Block
New Delhi
2. State of U.P. through the Principal Secreatry,
Department of Home, Lucknow.

...Respondents.

(By Advocate : Sri S. Singh and Sri K.P Singh)

O R D E R

By Hon'ble Mr. A.K. Bhatnagar, J.M. :-

Through this OA, the applicant has prayed for the following relief(s) :-

- (i) To issue a suitable order or direction directing the respondents to take final decision on the report submitted by the Enquiry Officer dated 5.9.2003 (Annexure No.A-5 to Compilation No. II of this Original Application);
- (ii) To issue a suitable order or direction directing the respondents to open the seal cover of the D.P.C. held in the year 2000 for the post of Dy. Inspector General of Police and grant benefits thereof;
- (iii) To issue a suitable order or direction directing the respondents to grant further promotion to the applicant to the post of Inspector General from the date his juniors has been promoted."

2. The brief facts giving rise to this OA as per the applicant are that he is a Senior I.P.S. Officer of

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1984 Batch. He was at Sl. No.1 in the gradation list of his Batch. He is presently posted as Commandant, Recruit Training Centre, Chunar, Mirzapur. The career of the applicant has been throughout excellent and he has held important posts in various districts. He has also been awarded Presidential Police Medal for gallantry award in the year 1990 while posted as Superintendent of Police, Lakhimpur Khiri. While posted as Senior Superintendent of Police, Saharanpur in the year 1997 an incident took place resulting into death of 03 persons. An F.I.R. was lodged under Section 302/468/217/218/201/120-B/176 177/34 of I.P.C., the matter was investigated by the C.B.C.I.D. and thereafter a charge sheet was submitted. He was suspended by the State Government on 28.10.1998. Having felt aggrieved, he filed an OA No.1423 of 1998, which was decided on 23.4.1999 with issuance of certain directions.

3. Since the above mentioned judgment was not complied with so he filed a contempt petition. Thereafter, the judgment was complied with and the applicant was permitted to resume his duties. Being aggrieved by the charge sheet submitted by the C.B.C.I.D. he filed a Misc. Application under Section 482 Cr.P.C.) No.542 of 2000 before the Hon'ble High Court of Allahabad. The Hon'ble High Court vide judgment dated 11.4.2002 (Annexure-A-2) quashed the charge sheet filed by the C.B.C.I.D. under Section 302 I.P.C. etc. The State

Government preferred a S.L.P. before the Hon'ble Supreme Court being S.L.P. No.4306 of 2002, which got dismissed as withdrawn on the statement of the counsel for State of U.P. vide judgment dated 4.10.2002 (Annexure-A-3). Consequently, the Enquiry Officer submitted his inquiry report dated 5.9.2003 (Annexure-A-5) to the Disciplinary Authority wherein nothing was found to proceed against the applicant. Thereafter he filed representation dated 4.11.2003 (Annexure-A-6) to the Chief Secretary, U.P. Government, Lucknow to drop the departmental proceedings pending against the applicant.

4. The grievance of the applicant is that he has been denied the benefit of promotion to the post of Dy. Inspector General of police in pursuance of the D.P.C. held in the year 2000 and further promotion to the post of Inspector General of Police from the date his juniors have been promoted because of the pendency of the disciplinary proceedings against him.
5. The applicant is also feeling aggrieved by the action of the respondents whereby the respondents are not deciding the representation submitted by the applicant on 9.5.2005 and October, 2005.
6. At this stage, learned counsel for the applicant finally submitted that the applicant will be satisfied if the representation filed by him on 9.5.2005 and

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October, 2005 (Annexure-A-7 & A-8) are decided in accordance with rules by the Competent Authority/ respondent No.2 i.e. Principal Secretary, Department of Home, Lucknow. This innocuous prayer of the counsel appears to be logical. Therefore, we are of the view that interest of justice shall better be served if the same is decided by the Competent Authority as per rules within a stipulated period.

7. Accordingly, the OA is finally disposed of with a direction to respondent No.2 to decide the representations (Annexure-A-7 & A-8) of the applicant so filed by him by a reasoned and speaking order in accordance with law within a period of two months from the date of receipt of copy of this order. It is also provided that for an early decision in the matter the applicant may file a fresh representation immediately. No costs.

An Singh
Member-A

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Member-J

RKM/