

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.268/2002.

Monday this the 2nd day of August 2004.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

(By Advocate Shri K.V.Raju)

vs.

1. Sri.Rajesh Khurana,
The Superintendent of Police,
Union Territory of Lakshadweep,
Kavarathy.
2. Sri.Joseph James,
Principal Sub Inspector of Police,
Police Station, Minicoy.
3. The Enquiry Officer,
Circle Inspector of Police(SB),
Kavarathy.
4. Union of India, represented by the
Secretary, Ministry of Home Affairs,
Government of India,
New Delhi. Respondents

(By Advocate Shri S.Radhakrishnan (R.1&3)
(By Advocate Shri C.Varghese Kuriakose(R2)
(By Advocate Shri C.Rajendran, SCGSC(R-4)

The application having been heard on 2.8.2004, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, a woman Police Constable presently posted in Minicoy Island, Union Territory of Lakshadweep, has filed this application seeking to set aside the proceedings initiated against her by A-4 Memorandum of charge dated 17.7.00. A-1 order dated 23.3.2002 by which she was asked to appear for the proceedings as also A-6 order dated 10.1.2001 by which Shri K. Somasekharan Nair, Inspector of Police (SB), Kavaratti who was

appointed as Inquiry Officer. The applicant has impleaded Shri Rajesh Khurana, Superintendent of Police, U.T. of Lakshadweep and Shri Joseph James, Principal Sub Inspector of Police, Police Station, Minicoy as respondents 1 and 2, and the Enquiry Officer, Circle Inspector of Police (SB), Kavarathy and Union of India are the respondents 3 and 4. It is alleged that the whole charge sheet has been created at the instance of respondents 1 and 2 who are on enemical terms with the applicant. The applicant therefore seeks to have the enquiry proceedings set aside.

2. The respondents contend in the reply statement that, the charge has been framed against the applicant on the ground of complaint that the applicant misbehaved with the Sub Inspector and this being an act of insubordination, disciplinary proceedings have got to be held against the applicant. The enquiry is being held in the proper way and therefore, there is no reason to quash the proceedings, contend the respondents.

3. Counsel on either side now state that Shri Rajesh Khurana, the 1st respondent who was on deputation as Superintendent of Police, has since left on repatriation and that Shri Joseph James, the 2nd respondent who was the Principal Sub Inspector of Police, Minicoy Police Station is no more in service, having been removed from service as a result of a CBI case. The question that arises for consideration is whether it is necessary to quash the departmental proceedings initiated against the applicant by A-4 Memorandum of Charge. Learned counsel of the applicant submitted that this Tribunal has quashed the order of suspension

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of the applicant by A-2 order dated 9.4.2001 in O.A.529/2000 and therefore, the basis having been struck down by the Tribunal, it is not necessary to proceed further with the disciplinary proceedings.

4. The counsel of the respondents submitted that, striking down the order of suspension does not exonerate the applicant of the charges and therefore the disciplinary proceedings have to be held and completed in accordance with law.

5. We agree with the learned counsel of the respondents. The disciplinary proceedings have been initiated by the competent authority and therefore, we do not find any reason why it should not be taken to its logical conclusion. The applicant is free to take all the contentions available to her including malafides during the enquiry.

6. In the result, we decline to grant the relief sought in the application and dismiss the application without any order as to costs.

Dated the 2nd August, 2004.

H.P.DAS
ADMINISTRATIVE MEMBER

A.V.HARIDASAN
VICE CHAIRMAN

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