

**Central Administrative Tribunal
Principal Bench**

OA No.908/2015

New Delhi, this the 2nd day of December, 2015

Hon'ble Mr. B.P. Katakey, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)

Inspector M.S. Sanga,
No.D-1/82 (Retd.)
S/o Shri Sadhu Singh,
Aged about 62 years,
R/o House No.48, Samrat Gali,
Village Khajoori Khas,
P.O. Gokulpuri,
Delhi-110094.

...applicant

(By Advocate : Shri Nilansh Gaur)

Versus

1. Commissioner of Police,
Delhi Police,
Police Head Quarters
I.P. Estate,
New Delhi-110002.
2. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat,
I.P. Estate,
New Delhi-110002.

...respondents

(By Advocate : Ms. Rashmi Chopra)

ORDER (ORAL)

Mr. Justice B.P. Katakey, Member (J) :-

The applicant has filed this OA praying for quashing/setting aside the departmental enquiry proceedings initiated against him

by serving summary of allegations dated 28.04.2012. In the alternative, the applicant has prayed for a direction to the respondents to conclude the disciplinary proceedings within a period of three months and to hold back the final order as per the provisions of Rule 8 of the CCS (Pension) Rules, 1972, subject to outcome in the Criminal Appeal filed by the applicant against his conviction.

2. Shri J.S. Mann, learned counsel for applicant has submitted that despite filing several applications including the application dated 23.12.2014, requesting the Enquiry Officer to supply the copies of the documents mentioned therein, which according to the applicant are relevant, the said prayer has not been acceded to by the Enquiry Officer without assigning any reason, though, Rule 16(vi) of Delhi Police (Punishment and Appeal) Rules 1980 requires giving reasons for rejection of the request for supply of the copy of the relevant documents. The learned counsel submits that having regard to the aforesaid position, the OA may be disposed of directing the respondents authority, more particularly the Enquiry Officer, either to provide the copies of the documents sought for or to pass a speaking order citing the reasons for rejection of supply of such documents and also to complete the disciplinary proceedings in a time bound manner.

3. Ms. Rashmi Chopra, learned counsel for respondents on the other hand, producing the relevant records has submitted that the applicant filed a number of applications seeking the copies of certain documents which were denied to him those being not relevant and on the ground that the copies of the listed documents, list of which has been furnished to the applicant, have already been furnished to him. The learned counsel submits that it appears from the conduct of the applicant that effort has been made by him to delay the disposal of the disciplinary proceedings initiated against him. It has also been submitted that subject to the participation of the applicant the disciplinary proceedings shall be concluded at the earliest.

4. The application filed by the applicant seeking copies of certain documents has admittedly been rejected by the authority. If those documents, as sought by the applicant, are relevant, it is always open to him to challenge the ultimate order that may be passed by the disciplinary authority in the departmental enquiry proceedings initiated against him on that ground.

5. Since the proceedings had been initiated way back in the year 2012, and has not been proceeded thereafter for whatever may be the reason, we direct the respondent authority to complete the proceedings and to pass final order on such proceedings initiated against the applicant within a period of three months from the date

of receipt of a copy of today's order. Needless to say that if the proceedings are delayed at the instance of the applicant, the period of such delay would be added to the aforesaid period of three months. The OA is accordingly disposed of. No costs.

(V.N. Gaur)
Member (A)

(Mr. Justice B.P. Katakey)
Member (J)

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