

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.640 of 2003

New Delhi, this the 24th day of July, 2003

HON'BLE JUSTICE SHRI V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

J.K. Sharma No/D-1/848
Inspector of Delhi Police
R/o E-12, Type-IV,
New Police Lines, Delhi-9.

.....Applicant

(By Advocate : Shri Anil Singal)

Versus

1. Commissioner of Police,
Police Head Quarters,
IP Estate, New Delhi.

2. DCP (Vigilance),
Police Head Quarters,
I.P. Estate, New Delhi.

3. DCP (5th Bn. DAP),
New Police Lines,
Kingswayy Camp, Delhi.

....Respondents

(By Advocate : Shri Ajesh Luthra)

ORDER (ORAL)

GOVINDAN S. TAMPI, MEMBER (A) :

Heard S/Shri Anil Singal and Ajesh Luthra, learned counsel for the applicant and the respondents respectively.

2. The facts, in this case, are that the departmental inquiry proceedings were initiated against the applicant (J.P. Sharma) - Inspector of Police, while he was working as SHO Seemapuri, on 17.4.1998 along with seven other police officers. His name was also placed in the secret list of officers of Doubtful Integrity (DI list) for a period of three years w.e.f. 21.4.1998. He was exonerated in the proceedings on

2

8.6.2001. However, his name was removed from the list only on 3.9.2001 but w.e.f. 21.4.2001 and not from 21.4.1998 when his name was placed in the DI List. The applicant's representation dated 15.10.2001 against the above action of the respondents was rejected vide respondents' order dated 5.9.2002 by totally non-speaking order.

3. Shri Anil Singal, learned counsel for the applicant points out that the action of the respondents in not having deleted his name from the DI list from the date of its very inception was illegal, arbitrary and malafide. As the reason for the placement of the applicant's name in the DI list was initiation of disciplinary proceedings against him on 17.4.1998, the moment the proceedings ended in his exoneration, the deletion of the name from the original date was a natural corollary. The applicant also referred to the decisions of the Tribunal in OA 2781/1999 dated 12.1.2001 (ASI Som Dev Vs. Delhi Administration) and OA 848/1999 dated 12.12.2000 (Harjinder Singh Gill Vs. G.N.C.T.) in support of his proposition that once the individual has been exonerated, his name placed in the DI list should be deleted from the date of its initial inception. The respondents have declined to do so which was incorrect, according to Shri Singal.

4. On the other hand, Shri Ajesh Luthra, learned counsel for the respondents points out that

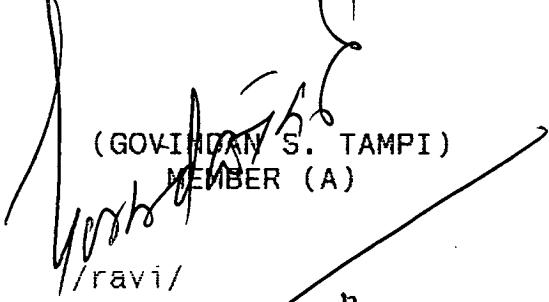
departmental proceedings were ordered vide No.32465/P.Cell(Vig.) PII dated 17.4.1998 against a number of officers, including the applicant, on the allegation that they were conniving at the illegal sale and consumption of liquor in a Dhaba in their jurisdiction. At the end of the inquiry proceedings, all the accused persons excluding one Head Constable were exonerated of the charges, but the applicant, who was the SHO, was warned to be more careful in future. Thus, it was not a case of total exoneration and, therefore, the respondents have taken the correct step of deleting his name from the DI List only from date of exoneration and not with retrospective effect as claimed by him. This order being correct in law, could not be interfered with urges Shri Luthra.

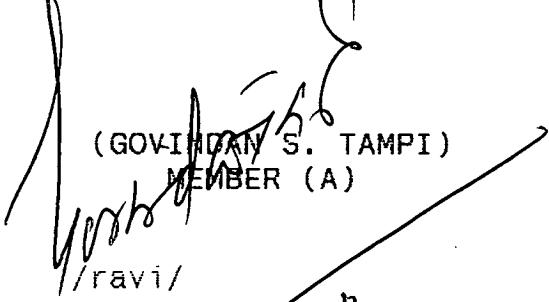
5. We have carefully considered the matter. It is an undisputed fact that the name of the applicant was placed in the DI list only on account of the disciplinary proceedings initiated against him, which were finally dropped and the applicant, among others, was exonerated. Further the applicant has been warned to be more careful in future. It is clear from the above that the action of the applicant, which led to the departmental proceedings, did not amount to a serious misconduct, negligence and dereliction of duties. The same, therefore, could not have come in the way of deletion of the applicant's name from the DI list from the date on which it was so placed, once the proceedings have ended in his exoneration. The



respondents were, therefore, not correct in holding that the deletion of the name of the applicant from the DI List could be only prospective and not from the date of its inception. The proceedings having been dropped and the applicant had been exonerated, deletion of his name from that date also should have also automatically followed. Respondents refusal to do so is incorrect and deserve to be interfered with, in the interest of justice.

6. In the above view of the matter, the OA succeeds and is accordingly allowed. The impugned orders dated 3.9.2001 and 5.9.2002 are quashed and set aside and it is directed that the applicant's name shall stand deleted from the DI list, from 21.4.1998 itself and not from 21.4.2001. The applicant will also be entitled for consequential benefit emanating from the above. No costs.


(GOVINDAN S. TAMPI)
MEMBER (A)


/ravi/


(V.S. AGGARWAL)
CHAIRMAN