

Central Administrative Tribunal
Principal Benchh

O.A. No.1039/2003

(2)

New Delhi this the 28th day of April, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri V.K. Majotra, Member (A)

Gurjeet Singh (4752-D)
S/o Sardar Bhabhikan Singh
R/o B-52, Om Vihar
Ram Nagar, Uttam Nagar
New Delhi.

-Applicant
(By Advocate: Shri Shyam Babu)

Versus

1. Govt. of NCT of Delhi
through its Chief Secretary
Players Building
New Delhi.
2. Commissioner of Police, Delhi
Police Headquarters
I.P. Estate,
New Delhi.
3. Special Commissioner of Police
(Administration),
Police Headquarters
I.P. Estate
New Delhi.
4. Dy. Commissioner of Police
Headquarters (Estt)
Police Headquarters
I.P. Estate
New Delhi.

-Respondents

ORDER (Oral)

Hon'ble Shri Justice V.S. Aggarwal, Chairman

By virtue of the present application, Shri Gurjeet Singh who is an Assistant Sub Inspector in Delhi Police seeks that the sealed cover procedure adopted by the Departmental Promotion Committee must be held to be illegal and direction should be given to open the same and consequential action be taken thereafter.

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2. We are not dwelling into the legal aspects of the matter. As per the applicant, departmental proceedings had been initiated but no formal charges have been drawn against the applicant in terms of Delhi Police (Punishment & Appeal) Rules, 1980. Meanwhile the order had been passed by the learned Metropolitan Magistrate, which has been ~~stated~~ ^{ay} by the order of the court of sessions.

3. On the strength of these broad facts, it is contended that when no charge has been drawn against the applicant, the sealed cover procedure could not have been adopted.

4. On that account, he has already submitted a representation dated 9.4.2003 to the Special Commissioner of Police.

5. When the matter is under consideration and the representation in this regard has been filed, we are not expressing ourselves on the merit of the matter.

6. When rights of the respondents are likely to be affected, we deem it unnecessary to issue show cause notice while disposing of the present application.

7. It is directed that the Special Commissioner of Police would consider the

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representation and pass an appropriate order preferably within one month from the date of receipt of a said copy of this order.

8. OA is disposed of accordingly.

Issue Dasti.

V.K. Majotra

(V.K. Majotra)

Member (A)

V.S. Aggarwal

(V.S. Aggarwal)

Chairman

cc.