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Central Administrative Tribunal, Principal Bench

Original Application No. 2744 of 2003

New Delhi, this the 31st day of August, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.K. Naik, Member(A)

Shri Rohtas Singh,  
Ex. Assistant Commissioner of Police,  
Posted at I.G.I. Airport,  
New Delhi

R/o D-III/1, Mahavir Enclave,  
New Delhi

... Applicant

(By Advocate: Shri H.K. Sharma)

Versus

1. Union of India  
(Through Secretary, Ministry of Home Affairs)  
North Block, New Delhi
2. The Commissioner of Police  
Police Hd.Qtrs., I.P.Estate,  
New Delhi
3. Lt. Governor  
Raj Niwas, Civil Lines,  
Delhi
4. Govt. of N.C.T. of Delhi,  
Old Secretariat,  
Delhi (Service to be effected through .... Respondents  
its Chief Secretary/Principal Officer)

(By Advocate: Shri George Paracken)

O R D E R (ORAL)

Justice V.S. Aggarwal, Chairman

The applicant superannuated as an Assistant Commissioner of Police on 31.3.2003. By virtue of the present application, he seeks quashing of the order of 1.1.2003 initiating departmental proceedings against him. It becomes unnecessary for us to delve into details of the same. Suffice to say that this pertains to an alleged misconduct during the riots in Delhi purported to have taken place on the assassination of the then Prime Minister of India.

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2. Learned counsel for the applicant contends -

- (a) earlier departmental proceedings on the same allegations had been initiated but the same were dropped on 23.12.90 by the order of the Additional Commissioner of Police;
- (b) the applicant had in the meantime even been promoted;
- (c) there is inordinate delay in initiation of the present proceedings; and
- (d) pertaining to the alleged misconduct, CCS (Conduct) Rules will not be applicable to the applicant.

3. Learned counsel for the respondents controverts all the assertions and further points out that there is a reason as to why the delay occurred, which has been referred to in paragraph 5.14 of the counter reply. He further contends that all these pleas can initially be taken with the disciplinary authority and thereafter if need arises, the applicant can take recourse under the law.

4. At this stage, we deem it necessary to mention that so far as dropping of the earlier departmental proceedings against the applicant is concerned, there is no

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document placed on the record. We are handicapped at this stage. Therefore, we had pointed it to the learned counsel for the applicant to only approach this Tribunal if he has the relevant document dropping the proceedings against him and thereafter take all the legal and factual pleas available in law. He had no objection.

5. Pertaining to the other controversies, at this stage it would be premature for this Tribunal to express any opinion because at the threshold, the applicant may in the first instance take all the pleas available with the concerned authorities. Resultantly, we dispose of the present petition holding:

- (a) the applicant would take all the legal and factual pleas available in law with the disciplinary authority and in case any adverse order is passed, he may take recourse under the law; and
- (b) the disciplinary proceedings subject to what we have recorded above may continue. It is further directed that the proceedings should be completed within six months of the receipt of the certified copy of the present order subject to the applicant's co-operating in the same.

Seal  
( S.K. Naik )  
Member(A)

Agg  
( V.S. Aggarwal )  
Chairman