

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.10006/2001
(From the judgement and order dated 03/01/2001 in CW 7820/2000
of The HIGH COURT OF DELHI AT N. DELHI)

COMMNR. OF POLICE, NEW DELHI & ORS. Petitioner (s)

VERSUS

S.M. BHASKAR Respondent (s)

Date : 12/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) Mr. Kailash Vasdev, Sr. Adv.
Mr. Avatar Singh Rawat, Adv.
Mr. D.S. Mahra, Adv.

For Respondent (s) M/s. Arun K. Sinha & Rakesh Singh, Advs.

UPON hearing counsel the Court made the following
O R D E R

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Heard the learned counsel appearing for the Commissioner of Police. On examining the facts of the case, we are shocked to find that the Commissioner of Police has been trying to start a de-novo enquiry against the concerned officer. The alleged delinquency stated to have been taken place some time in the year 1984. On an enquiry being directed, the enquiry was held, and ultimately the delinquent was exonerated in May 1985. In October 1985, another enquiry was ordered. That enquiry was held, and the officer was exonerated. A criminal case was filed, and in the criminal case also the prosecution failed to establish the charge, and he was acquitted. Even in the last enquiry, that was

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ordered, the enquiring officer exonerated him of all the charges. In this state of affairs, it is unthinkable that the power under Rule 15 (1) (a) Central Civil Services (Classification, Control and Appeals) Rules, 1965 could have been invoked to hold a fresh enquiry against the delinquent. To us, it appears that the concerned officer is being prosecuted unnecessarily. We therefore dismiss this Special Leave Petition.

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(Y.P.Dhamija)

(Suneet Bala Sharma)@@

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