

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

M.A.NO.1359/2002
O.A.NO.1502/2002

Wednesday, this the 10th day of July, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Malvinder Singh
S/O Shri Makhan Singh
House No.381, Gali No.2
Pachipitha Road, Baba Colony,
Burari, Delhi.

... Applicant.

(By Advocate: Ms. Nandita Rao

Versus

1. Commissioner of Police
Delhi Police
Police Headquarters
ITO
Delhi.
2. DCP, North District
Police Station Civil Lines
New Delhi.
3. Govt. of NCT of Delhi, *through Secretary
Delhi Secy. I.C. Stadium, IP Estate, Delhi*
4. Union of India
through Ministry of Home
North Block, New Delhi

.. Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

MA-1359/2002 for restoration of the OA-1502/2002
which was dismissed on 5.6.2002 for default is granted
and the OA is restored to its original number.

2. We have heard the learned counsel for the applicant.
3. By an order passed on 7.12.1991, the Court of Additional Sessions Judge, Delhi in *Case No.699/1991* found the applicant guilty and convicted *under Section 17 of the Narcotic Drugs & Psychotropic Substances Act and*

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(2)

sentenced him to undergo rigorous imprisonment for ten years with a fine of Rs.1 lakh and in default of payment of fine to ~~further~~ undergo simple imprisonment for a further period of two years. The aforesaid conviction prompted the respondents to dismiss the applicant from service and they did so vide orders passed by the disciplinary authority on 14.9.1992 (A-2). The aforesaid order passed by the Court of Additional Sessions Judge was taken in appeal before the High Court of Delhi in Criminal Appeal No.16/92. The High Court has acquitted the applicant of all the charges by an order passed on 1.5.2001 (A-3). In these circumstances, the applicant seeks his reinstatement in service in terms of Rule 11 of Delhi Police (Punishment & Appeal) Rules, 1980 which, according to the learned counsel appearing on behalf of the applicant, provides for reinstatement in service in circumstances such as those which obtained in the present case. She further submits that after reinstatement, it will be open to the respondents to proceed against the applicant departmentally. In order to secure his reinstatement in service, the applicant has filed a representation on 19.6.2001 (A-4) followed by a legal notice dated 9.11.2001 (A-5). A further legal notice has been issued on 27.12.2001 (A-6). Despite this, the respondents have not reacted so far. The learned counsel also submits that due to prolonged stay in jail coupled with the callous attitude of the jail authorities, the applicant started suffering from gangrene which led to imputation of his left hand. The applicant is, therefore, a disabled person. In the event of his reinstatement, he will have to be given a post suitable

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(3)

to his physical condition. She has ~~especially~~ submitted that in his disabled condition, the applicant is undergoing severe financial hardship and deserves to be considered for compassionate allowance as might be admissible to persons in his condition in accordance with the relevant rules.

4. Having regard to the submissions made by the learned counsel and the aforesated facts and circumstances, we find it in order to dispose of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the aforesaid representations along with the contents of the present OA and to pass a reasoned and a speaking order in the matter at the earliest and in any event within a period of three months from the date of receipt of a copy of this order. We direct accordingly.

5. The present OA is disposed of in the aforesated terms.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/