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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2461/2002

Thursday, this the 10th day of July, 2003

Hon'ble Shri Govindan S. Tampi, Member (A)

R.P. Tyagi
Inspector in Delhi Police
PIS No.28740074, R/o B-2/237, Yamuna Vihar
Delhi-53

Presently posted at

9th Bn. DAP
Pitam Pura Lines, Delhi

..Applicant

(By Advocate: Shri Sachin Chauhan for Shri Anil Singal)

Versus

1. Commissioner of Police
Police Head Quarters
IP Estate, New Delhi
2. Addl. Commissioner of Police
Arms Police, New Police Lines,
Delhi
3. DCP (9th Bn.)
Pitam Pura Lines, Delhi

..Respondents

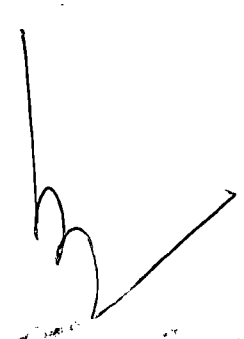
(By Advocate: Shri Ajesh Luthra)

O R D E R (ORAL)

Heard Shri Sachin Chauhan, learned proxy counsel
for applicants and Shri Ajesh Luthra, learned counsel for
respondents.

2. In this OA, the challenge is directed against the
punishment order dated 21.6.2001 whereby the disciplinary
authority has imposed a punishment of censure on the
applicant and the appellate order dated 13.9.2001 vide
which the disciplinary authority's order is confirmed.

3. On perusal of the papers brought on record, I
find that the applicant has been served with a show cause
notice dated 8.3.2001, proposing the punishment of



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(2)

censure for having acted in a negligent and carelessness manner for not collecting the DE file from the Office of RI/ 'E' Block for nearly one month. After receiving the reply, the minor punishment of censure has been imposed upon the applicant which has been confirmed and upheld by the appellate authority. Shri Sachin Chauhan, learned proxy counsel for applicant submits that the applicant has not committed any mistake or any negligence in the discharge of official duties and, therefore, the punishment could not have been imposed. He further points out that the appellate order is found to have been influenced by extraneous materials, like comments which had influenced the order. The orders passed by the disciplinary and appellate authorities would, therefore, warrant interference by this Tribunal, pleads he.

4. Opposing the same, Shri Ajesh Luthra, learned counsel appearing on behalf of the respondents points out that the proceedings have been gone through correctly and properly and after issuing show cause notice and getting the reply and also after giving personal hearing to the applicant in the orderly room. The Constable, who ~~has~~ failed to discharge the assigned task, cannot seek protection or the interference from this Tribunal. The OA should, therefore, be dismissed, is what Shri Luthra pleads.

5. I have carefully gone through the matter and considered the rival contentions of the parties. The relevant portion of the appellate order reads as below:-

"I have gone through the appeal, comments and the relevant documents on record.."



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(3)

Oviously, the appellate authority's order has been influenced by extraneous material not brought on record and thus not made available to the appellant (applicant in this OA). This order thus issued is vitiated on account of failure to follow principles of natural justice and, therefore, cannot be sustained. It has to be quashed.

6. In the above circumstances, I allow the present OA partially and set aside the order passed by the appellate authority. The matter is remanded to the appellate authority for passing a fresh order with reference to only those documents which have been brought on record and not ~~other~~ extraneous materials. It is made clear that nothing said herein would be of any expression on the merits of the matter. No costs. *The above exercise should be completed within three months from the date of receipt of this order.*

(Govindan S. Tampi)
Member (A)

/sunil/