

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO.2786/2002

This the 21st day of May, 2002.

HON'BLE SHRI JUSTICE V.S.AGGARWAL, CHAIRMAN

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

1. Sugan Chand,  
Constable in Delhi Police  
(PIS No.28900786),  
R/O 3/69 Vijay Enclave,  
Nangloi, New Delhi.

2. N.B.Survase,  
Constable in Delhi Police  
(PIS No.28893137),  
R/O Barrack No.3,  
P.S.Paschim Vihar,  
New Delhi.

... Applicants

( By Shri Anil Singal, Advocate )

-versus-

1. Joint Commissioner of Police,  
Northern Range, PHQ,  
IP Estate, New Delhi.

2. Addl. DCP (West Dist.),  
PS Rajouri Garden,  
New Delhi.

... Respondents

( By Ms. Sumedha Sharma, Advocate )

O R D E R (ORAL)

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

Applicants are Constables in Delhi Police. Disciplinary proceedings had been initiated against them. For purposes of the present order, we are not dwelling into the details of the same because we are not expressing ourselves on the other controversies. This is for the reason that our attention has been drawn towards the fact that the appellate authority while disposing of the appeal considered and called for the comments of the disciplinary authority.

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2. The settled principle of law is that whenever the appeal has to be decided, which is an appeal filed in accordance with law, it has to be decided on basis of the material on the record, i.e., the evidence and the pleadings on the file. The comments of the disciplinary authority in this regard have no role to play. The disciplinary authority has expressed itself in the order imposing the penalty. The appellate authority, therefore, could not be swayed for taking into consideration the said comments. Necessarily, on this short ground, we quash the impugned order of the appellate authority and remit the case back to the appellate authority to pass a fresh order in accordance with law. We make it clear that we are not making any observation with respect to the other pleas.

3. The O.A. is disposed of accordingly. No costs.

V. K. Majotra

( V. K. Majotra )  
Member (A)

/as/

V. S. Aggarwal

( V. S. Aggarwal )  
Chairman