

(2)

Central Administrative Tribunal  
Principal Bench

O.A. No. 213 of 2002

New Delhi, dated this the 25th January, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Bisham Kumar,  
S/o Shri Kham Chand,  
R/o Vill. & P.O. Ratoria,  
P.S. Chhaprauli,  
Dist. Baghpat, U.P. .... Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1. The Commissioner of Police,  
Police Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi.
2. The Sr. Addl. Commissioner of Police (AP&T),  
Police Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi.
3. The Addl. Commissioner of Police (A.P),  
Police Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi.
4. The Dy. Commissioner of Police  
III Bn., DAP,  
Vikaspuri,  
New Delhi. .... Respondents

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant impugns Disciplinary Authority's order dated 21.3.96 (Annexure A-2) and the Appellate Authority's order dated 20.8.2001 (Annexure A-1) rejecting his appeal against punishment of dismissal.

2. We have heard applicant's counsel Shri Arun Bhardwaj.

3. We note that applicant was dismissed by order dated 21.3.96 (Annexure A-2), under Article 311(2)(b) of the Constitution of India, without holding a regular D.E. as he has been identified as one of the main accused in case FIR No. 14 dated 18.3.96 u/s 395/397/34 IPC and 27/54/59 Arms Act, P.S., Mahipal Pur, New Delhi.

4. Thereafter applicant filed an appeal which was rejected on 25.10.96 (Annexure A-3).

5. In the aforesaid criminal case applicant has been acquitted by the judgment dated 18.1.2000 passed by the Addl. Sessions Judge (Annexure A-5) and in the light of the aforesaid acquittal applicant had filed an appeal which has been rejected vide impugned order dated 20.8.2001 on the ground that under Rule 23(2) Delhi Police (Punishment and Appeal) Rules there can be only one appeal against punishment order.

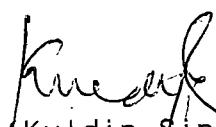
6. We dispose of this O.A. at this preliminary stage with a direction to respondents that in the event applicant files a self-contained representation to Respondents within two weeks from today Respondents shall consider the same and dispose it of in accordance in accordance with rules and instructions on the subject by a detailed, speaking and reasoned order in accordance with rules and instructions within three months from the date of

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receipt of a copy of the representation. Such consequential benefits, as shall be admissible to applicant in accordance with law, pursuant to the Respondents' decision passed in the light of the aforesaid direction should be extended to applicant within three months from the date of such decision.

7. If applicant is aggrieved by the aforesaid decision of the Respondents it will be open to him to agitate the same through appropriate original proceedings in accordance with law, if so advised.

8. O.A. is disposed of accordingly. No costs.

  
(Kuldip Singh)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

Karthik