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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.3420/2001

New Delhi this the 31st day of December, 2001.

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S.Tampi, Member (A)

Shri Niwas
S/O Sh.Mange Ram
25/478, Ashok Nagar,
Near Power House, Bahadurgarh.

... Applicant

(By Advocate Shri Amit Anand with
Shri Anand Singh)

VERSUS

1. Govt. of NCT Delhi
Through Commissioner of Police,
PHQ, I.P.Estate, New Delhi.
2. Joint Commissioner of Police (5 R)
PHQ I.P.Estate, New Delhi.
3. Addl. Dy. Commissioner of Police-1
South Distt., Delhi.

.. Respondents

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)

We have heard Shri Amit Anand, learned counsel for the applicant. He has contended that the applicant has been dismissed by the respondents by an illegal order dated 14.6.2000 after holding an ex-parte enquiry against the applicant. He states that on the same charge, he has also been dealt with in the criminal Court and has since been acquitted of the charges. Against the dismissal order passed by the respondents dated 14.6.2000, the applicant has submitted that he had filed a statutory appeal to the respondents which has been received by them on 17.7.2000. Thereafter, he had sent a number of reminders to the respondents but without any result. According to the learned

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counsel for the applicant, till date the appeal remains un-attended as no intimation has been given to the applicant. Learned counsel for the applicant has submitted that as the applicant has since been acquitted of the criminal charge, the appeal should be favourably considered by the respondents and disposed of.

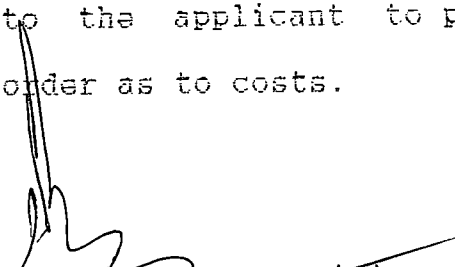
2. We note that in the copy of the appeal filed by the applicant as Annexure P-IX of the paper book, receipt of the same has been stamped in the Office of the Joint Commissioner of Police with date 18.7.2000. We further note that though reminders have also been sent by the applicant, copies annexed to Joint Commissioner of Police (Southern Region), New Delhi i.e. respondent No.2 it appears from the averments made on behalf of the applicant that, that authority has not cared to dispose of the statutory appeal till date with proper intimation to the applicant. Being a statutory appeal filed by the applicant against the dismissal order dated 14.6.2000 under the provisions of the Delhi Police Act, 1978 read with the Delhi Police (Disciplinary and Appeal) Rules, 1980 made thereunder, we see no reason why the respondents/appellate authority should not have disposed of the applicant's appeal in accordance with the Rules, within the time allotted to him by law. It may also be recorded that this action on the part of the respondents has led to the applicant filing this application in the Tribunal.

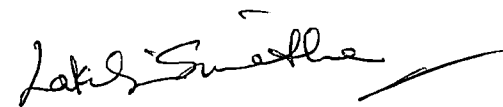
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3. Taking into account the facts and circumstances of the case and the observations made above, we consider it appropriate to direct the respondents, in the first instance, to dispose of the aforesaid appeal submitted to the appellate authority as far back as on 18.7.2000, within a period of one month from the date of receipt of a copy of this order, if not already done, with intimation to the applicant. This shall be done by a detail, speaking and reasoned order, dealing with each of the points raised by the applicant in the appeal, in accordance with law and rules. We hope that such lapses on the part of the appellate authority should not occur in future, as they have a duty to dispose of the statutory appeal filed by the applicant in accordance with the Delhi Police Act and rules. In case the applicant has any grievance thereafter, liberty is granted to the applicant to proceed in accordance with law. No order as to costs.


(Govindan S. Tampi)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

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