

Central Administrative Tribunal  
Principal Bench

O.A. No.398/2001

New Delhi this the 29th day of January, 2003

Hon'ble Shri V.K. Majotra, Member (A)

Hon'ble Shri Kuldip Singh, Member (J)

ASI Vibhuti Bhushan  
S/o Late Shri Mangat Ram Diwedi  
R/o J2/1, Police Colony,  
Andrews Ganj, New Delhi

(By Advocate: Shri Ravi Kant, proxy for  
Shri Arun Bhardwaj)

-Applicant

Versus

1. Commissioner of Police  
Police Head Quarters,  
MSO Building,  
I.P. Estate, New Delhi.
2. Joint Commissioner of Police,  
(Southern Range),  
PHQ, MSO Building,  
I.P. Estate, New Delhi.
3. Addl. Deputy Commissioner  
of Police (South Distt.)  
P.S. Hauz Khas  
Delhi.

(By Advocate: Shri George Paracken)

-Respondents

ORDER (Oral)

Hon'ble Shri Kuldip Singh, Member (J)

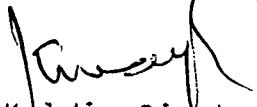
Learned counsel for the applicant had assailed the order of the appellate authority vide which order of punishment has been upheld. Besides other grounds taken up by the applicant, the appellate authority while deciding the appeal has also taken into consideration the comments offered by the disciplinary authority thereon and the applicant's counsel suggests that comments offered by the disciplinary authority show that the appellate authority has taken into consideration the extraneous material which is



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forbidden in law and thus the order passed by the appellate authority suffers from malice and same is liable to be quashed.

2. Opposing the plea of the applicant, learned counsel for respondents submits that records would be required whether appellate authority has taken into consideration extraneous material in the form of comments offered by the disciplinary authority or not. Counsel for respondents submitted that it may be the routine manner when the comments have been taken into consideration. However, we do not agree with the counsel for respondents as the language used is in categorical manner and he has taken into consideration the comments offered by the disciplinary authority which is certainly an extraneous material and cannot be borne out from the record. Therefore, we are of the considered opinion that the order passed by the appellate authority cannot be sustained and the same is liable to be quashed. Accordingly, we quash the appellate authority's order and remand the case to the disciplinary authority to pass fresh order within a period of three months from the date of receipt of a copy of this order.

  
( Kuldip Singh )  
Member (J)

  
( V. K. Majotra )  
Member (A)

cc.