

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1008/2001

18

New Delhi, this the 2nd day of September, 2002.

Hon'ble Shri M.P. Singh, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Shri J.L. Sharma
S/o Late Shri Makhan Lal Sharma
formerly Asstt. Commissioner of Police, Delhi
R/o C-02/185, Yamuna Vihar, Delhi-110053.

.... Applicant.

(Shri H.S. Paul, Advocate)

Versus

1. Govt. of NCT, Delhi through
Chief Secretary, 5, Rajpur Road
Delhi-110054.
 2. Shri D.R. Chopra, Joint Secretary (Vig.)
Govt. of NCT, Delhi
Old Secretariat, Delhi.
 3. Shri Sarvesh Kumar C.D.I. C.V.C.
Satarkta Bhawan, INA Market
New Delhi.
 4. Shri D.P. Verma
The then Addl. D.C.P./PCR
 5. Shri R.S. Chauhan, Inspector
 6. Shri Nanak Singh, ASI, No. 2969-D.
 7. Shri Kamal Kishore, HC No. 1303/PCR.
 8. Shri Akhlesh, Ct. Driver No. 4962/PCR.
 9. Shri Chander Pal, HC No. 1069/PCR
 10. Shri Akhtar Ali, Ct. No. 2772/PCR.
- From 4 to 10 C/o Commissioner of Police,
Police Headquarters, I.P. Estate, New Delhi-2.

(Shri Vijay Pandita, Advocate)

.... Respondents.

ORDER (Oral)

By Shri Shanker Raju, Member (J)

Applicant working as ACP being aggrieved by an order of dismissal dated 20.03.2001 passed by the Lt. Governor approached the court in this OA. Though several contentions have been taken to assail the impugned order inter alia case of no evidence and no mis-conduct, learned counsel Shri H.S. Paul, at the outset, relying upon a decision of the Coordinate Bench in OA No. 528/98 Mamdutt Bhardwaj & Ors. Vs. Union of India decided on 27.5.1999 contended that after 1995 Lt. Governor had no jurisdiction to appoint ACP even on officiating or adhoc basis and as a corollary he can-not act as a disciplinary authority to impose upon the applicant any punishment as per Rule 11 of the CCS (CCA)

Rule, 1965 as the order passed by the Lt. Governor is void ab initio and without jurisdiction, the same is not maintainable/legally sustainable.


2. Shri Vijay Pandita appearing for the respondents took a preliminary objection as to compliance of Section 20 of the Administrative Tribunal Act, 1985 by stating that remedy available to the applicant under Rule 24 of the rules ibid against an order passed by any other authority is by way of appeal to the President. As no appeal has been preferred the OA is not maintainable for want of exhaustion of a statutory remedy provided to the applicant. Moreover, it is contended that the issue of jurisdiction of Lt. Governor to impose punishment has not been taken in the pleadings, denying them an opportunity to ^{be} rebut.

3. We have carefully considered the rival contentions of the parties and perused the pleadings on record. Having regard to the provisions of Section 20 of the Act ibid where one has to exhaust the statutory remedy available before approaching this court and also the provision of appeal available to the applicant in view of Rule 24 (1)(i) of the Rules ibid which admittedly has not been exhausted by the applicant.

4. The interest of justice would be met, if this OA is disposed of ^{by} directing the applicant to make an appeal, within two weeks from the date of receipt of the copy of this order, taking his all contentions including incompetence of Lt. Governor to impose punishment. On receipt of the appeal, the appellate authority shall consider the grounds raised therein and dispose of the appeal by passing a detailed and speaking order within three months thereafter. We order accordingly.

S. It goes without saying that the applicant, if still aggrieved, is at liberty to redress his grievances in accordance with law. No costs.

S. Raju
(Shanker Raju)
Member (J)


(M.P. Singh)
Member (A)

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