

(3) (7)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-112/98

New Delhi this the 28th day of July, 1998.

Hon'ble Sh. T.N. Bhat, Member(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Sh. Prahlad Singh,
S/o Sh. Mange Lal,
R/o C-24, New Police Lines,
Kingsway Camp,
Delhi.

..... Applicant

(through Sh. Sama Singh, advocate)

versus

1. Union of India through
its Secretary,
Ministry of Home Affairs,
New Delhi.
2. Govt. of NCT of Delhi,
through its Chief Secretary,
5, Sham Nath Marg,
Delhi.
3. Commissioner of Police,
Delhi Police Headquarters,
MSO Building, I.P. Estate,
New Delhi.
4. Dy. Commissioner of Police,
HQ-III, Delhi Police Headquarters,
MSO Building, I.P. Estate,
New Delhi.
5. Dy. Commissioner of Police (Hq-I),
MSO Building, I.P. Estate,
New Delhi.

..... Respondents

(through Sh. Amresh Mathur, advocate)

ORDER(ORAL)

Hon'ble Sh. T.N. Bhat, Member(J)

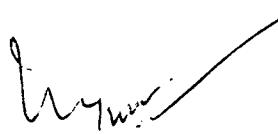
The pleadings in the case being complete, we
heard the learned counsel for the parties, with their
consent, for final disposal of the O.A. at the admission
stage itself.

28.7.98.

2. The applicant who was working as A.S.I. -
Driver in Delhi Police had made a request for voluntary
retirement from service~~s~~ which was accepted by the
competent authority and the applicant was retired from
the service~~s~~ w.e.f. 31.1.1991. However, the applicant
later made a request for permission to withdraw the
earlier notice of voluntary retirement which was rejected
by the respondents vide their letter dated 18.9.91.

3. The applicant assailed the order of
rejection of his request by filing OA-2634/91 which was
disposed of by a Division Bench of this Tribunal by the
judgement/order dated 14.12.95, permitting the applicant
to submit the representation addressed to the Ministry of
Home Affairs through the Commissioner of Police in which
he could put up his case including the precedent case of
one Sh. Daya Chand and the Commissioner of Police would
forward the representation alongwith his comments to the
Ministry of Home Affairs which shall pass final orders on the
representation within a reasonable time.

4. Admittedly, the applicant made a detailed
representation, a copy whereof has been annexed to the
O.A. as Annexure-I (page 31 of the paperbook). But,
what the applicant received in reply was a three line
letter, as at Annexure-A, dated 19.8.96 informing him that
as per the judgement of this Tribunal dated 14.12.95, the
applicant's application for reinstatement in service had
been considered by the MHA (Ministry of Home Affairs) but
"could not be acceded to".

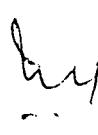


5. The learned counsel for the respondents sought to justify the passing of such a cryptic order and communication of the same to the applicant. We are afraid, this contention cannot be accepted. What the Tribunal meant by giving a direction to the Ministry of Home Affairs to pass a final order on the representation of the applicant was that the order should be a reasoned one so that the applicant can get replies to his contentions, more particularly to that contention which related to the alleged discriminatory treatment, as according to the applicant the request of a similarly placed employee of Delhi Police for withdrawing voluntary retirement notice had been accepted while the applicant's request was rejected.

6. In view of the above, we quash the order as at Annexure-A and hereby direct the Commissioner of Police and the Competent Authority in the Ministry of Home Affairs to pass a speaking order on the representation of the applicant giving reasons for the order. This shall be done as far as practicable within a period of 3 months from the date of receipt of a copy of this order and the copy of the speaking order shall be sent to the applicant in full and not merely a gist thereof. If the applicant still feels aggrieved, he may work out his remedies in appropriate forum. With this, the O.A. is disposed of, leaving the parties to bear their own costs.


(S.P. Biswas)

Member(A)


28.7.98.

(T.N. Bhat)
Member(J)