

Central Administrative Tribunal
Principal Bench

O.A.No.1509/98

Hon'ble Shri T.N.Bhat, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 12th day of January, 1999

Hari Babu
s/o Sh. Gajaraj Singh
r/o H. No.1114, Old Vijay Nagar
Delhi. ... Applicant

(By Shri M.K.Gaur, proxy of Shri U.Srivastava, Advocate)

Vs.

Govt. of NCT of Delhi through

1. The Secretary
Home (Police) I Estt. Deptt.
5, Sham Nath Marg
Delhi - 110 054.
2. The Commissioner of Police
Delhi Police Headquarters, ITO
New Delhi.
3. Sr. Additional Commissioner of Police (AP&T)
Delhi, Police Headquarters, MSO Building
I.P.Estate
New Delhi.
4. The Deputy Commissioner of Police
3rd Bn. D.A:P.Kingsway Camp
Delhi. ... Respondents

(By Shri Surat Singh, Advocate)

O R D E R (Oral)

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

We have gone through the pleadings and the documents annexed thereto by the parties. We have also heard the learned counsel for the respondents and the proxy counsel for the applicant.

2. We notice that the applicant's appeal against the punishment order was heard and disposed of by Shri T.R.Kakkar, the then Senior Additional Commissioner of Police (AP&T) by his order dated 10.10.1996. The applicant had filed a revision petition against the said

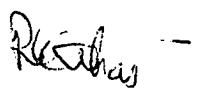
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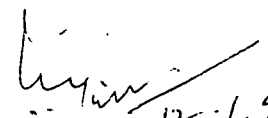
order. It appears that in the meantime Shri T.R.Kakkar had become the Commissioner of Police. When the revision petition came up before him, he disposed of the revision petition also and dismissed the same by the order dated 24.7.1997. In our considered view, Mr.T.R.Kakkar could not have and should not have decided the revision petition in view of the fact that the appellate order had been passed by him earlier. On this ground alone, the OA deserves to be allowed to the extent of quashing the revisional order dated 24.7.1997. Consequently, the order by which the applicant's representation against the revisional order was rejected by the Lt. Governor also goes.

3. For the foregoing reasons, we partly allow this OA and set-aside the order dated 24.7.1997 passed by the then Commissioner of Police. The subsequent order dated 5.5.1998 (Annexure-A1) passed by the Lt. Governor, Delhi also stands quashed. We remand the matter to the present Commissioner of Police for considering the revision petition and passing a speaking order thereon within a period of two months from the date of receipt of a copy of this order. With this order, the OA is disposed of.

No costs.


(R.K.Ahooja)
Member(A)

/rao/


(T.N.Bhat)
Member(J)