

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 2333/98

New Delhi this the 21st day of August, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

Ex. Constable Zahir Ahmed
S/o Shri Jamin Ahmed Khan,
R/o Vill-Budera, P.O. Baraut,
P.S- Vindli, Distt-Meerut,
U.P.

..Applicant

(By ~~Advocate~~: Shri Shankar Raju)

Versus

1. Union of India,
through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Commissioner of Police
Police Head Quarters, I.P. Estate,
M.S.O. Building, New Delhi.
3. Sr. Addl. Commissioner of Police,
A.P. & T,
Police Head Quarters, I.P. Estate,
M.S.O. Building, New Delhi.

...Respondents

(Departmental Representative
HC Rajender Singh)

ORDER (Oral)

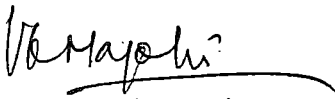
By Mr. Justice Ashok Agarwal, Chairman

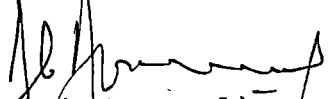
The impugned order passed by the
Commissioner of Police, Delhi, ^{Shri T.R. Kakkar} dismissing the appeal of
the applicant deserves to be quashed and set aside on
the short ground that the very same officer Shri T.R.
Kakkar had initially passed an order imposing penalty
on the applicant in his capacity of then being the
disciplinary authority. The very same officer in our
view could not have heard the appeal which arose from
the orders which have been passed by himself. The
aforesaid order, Shri T.R. Kakkar Commissioner of
Police in his capacity of ^{being the} appellate authority is

accordingly set aside and the matter is remitted back
for appeal to be heard and decided by an ^{appellate} authority
other than Shri T.R. Kakkar.

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2. Present O.A. is allowed in the
aforestated terms. No order as to costs.


(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

cc.