

Central Administrative Tribunal  
Principal Bench

R.A. No. 208 of 1999

in

O.A. No. 173 of 1994

New Delhi, dated this the 8th December, 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Government of NCT of Delhi,  
through Lt. Governor,  
Raj Niwas,  
Delhi-110054.
2. The Commissioner of Police,  
Police Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi-110002.
3. The Dy. Commissioner of Police,  
South West District,  
New Delhi.

...Review Applicants

(By Advocate: Shri Amresh Mathur)

Versus

Shri Vijay Singh,  
S/o Shri Hukam Singh,  
R/o Vill. & P.O. Jharsa,  
Dist. Gurgaon,  
Haryana.

...Rev. Respondent

(By Advocate: S.D. Raturi proxy  
counsel for Shri G.D.Gupta)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Heard both sides on R.A. No. 208/99 pressed by Shri Amresh Mathur, counsel for Review Applicants (Respondents in O.A. No. 173/94), seeking review of the Tribunal's order dated 28.6.99 in O.A. No. 173/94.

2. Both sides agree that as applicant retired from service on superannuation on 31.3.94, which fact was not brought to the Tribunal when it pronounced the impugned order dated 28.6.99, the aforesaid order

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requires to be slightly modified.

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3. Accordingly Paragraph 22 of the aforesaid order shall now read as follows:

In the light of the above, this O.A. succeeds. The impugned report of the I.O. dated 5.5.91 to the extent that it dismisses the entire defence evidence in a single generalised paragraph, without giving reasons which can stand judicial scrutiny; the Disciplinary Authority's impugned order dated 7.4.92 as well as the Appellate Authority's impugned order dated 13.11.92 are quashed and set aside. Meanwhile as applicant has retired on superannuation from service on 31.3.94, applicant shall be deemed to have been taken back on service with effect from 7.4.92, and will be entitled to full pay and allowances for the period 7.4.92 till 31.3.94. Applicant will also be entitled to all retiral benefits admissible in accordance with rules and instructions, upon his retirement on superannuation from service on 31.3.94 and these retirement benefits should be calculated and paid to applicant.

23. These directions should be implemented within two months from the date of receipt of a copy of this order."

4. Registry is directed to carry out the necessary modification and issue the modified copy of the order dated 28.6.99 in O.A. No. 173/94 to both sides.

5. R.A. No. 208/99 is disposed of accordingly.

*Lakshmi Swaminathan*  
(Mrs. Lakshmi Swaminathan)  
Member (J)

*S.R. Adige*  
(S.R. Adige)  
Vice Chairman (A)