

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA-1738/95

17

New Delhi this the 21st day of December, 2000.

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)  
Hon'ble Dr. A. Vedavalli, Member(J)

Sh. Karamjeet Singh,  
S/o S. Jagtar Singh,  
R/o H.No. 77A, Vill. Naharpur,  
Koni, Sector-7,  
New Delhi-85. .... Applicant

(through Sh. Rajeev Kumar, Advocate)

Versus

1. State (Delhi Admn.)  
through Chief Secretary,  
5, Sham Nath Marg,  
Delhi.
2. The Commissioner of Police,  
Police Headquarter, ITO,  
New Delhi. .... Respondents

(through Sh. Harvir Singh, Advocate)

ORDER (ORAL)

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)

Applicant impugns the Disciplinary Authority's order dated 15.06.92 (Annexure-II) dismissing him from service under Article 311 (2)(b) of the Constitution of India, without holding a departmental enquiry.

2. We have heard applicant's counsel Sh. Rajeev Kumar and respondents counsel Sh. Harvir Singh.

3. The impugned order dated 15.06.92 reveals that explosive materials were recovered from his house, and he was arrested under FIR No. 298 dated 08.11.90 under Explosive Sub-Act 3/4/5/TADA(P) Act, PS Mehrauli,

18

New Delhi and he was accordingly dismissed from service under Article 311 (2)(b) of the Constitution of India.

4. We are informed that applicant was acquitted by the Competent Court in the case under the TADA Act on 23.05.97, upon which the State went in an appeal to the High Court and the acquittal order has been set aside. The applicant is stated to have now gone in an appeal against the Delhi High Court <sup>judgement</sup> to the Hon'ble Supreme Court, where the decision is still awaited.

5. We dispose of this O.A. giving leave to applicant, that in the event he succeeds in the Hon'ble Supreme Court, then after exhausting such departmental remedies as are available to him, it will be open to applicant to agitate his grievance, through appropriate original proceedings, in accordance with law, if so advised.

*A. Vedavalli*  
(Dr. A. Vedavalli)  
Member(J)

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

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