

Central Administrative Tribunal

Principal Bench
OA-1859/95

Hon'ble Shri A.V. Haridasan, VC(J)
Hon'ble Shri R.K. Ahooja, M(A)

New Delhi, the 28th February, 1996.

Mahavir Singh
S/o Sh. Bhagwant Singh
H.No.H-1/4, PS Defence Colony,
New Delhi. ..

Applicant.

(Advocate: Sh. J.K. Sharma)

versus

1. Commissioner of Police
Police Headquarters
IP Estate, New Delhi.

2. Additional Commissioner of
Police (Operations)
Police Headquarters,
IP Estate, New Delhi.

3. Sh. S.K. Jain
FR, RO
Hans Bhawan,
Bahadur Shah Zafar Marg,
IP Estate, New Delhi. ..

Respondents

(Advocate: Sh. Raj Singh)

ORDER (Oral)

Hon'ble Sh. A.V. Haridasan, VC(J)

The applicant who was Sub-Inspector in Delhi Police was removed from service by order dt. 24.3.95 against which he had filed an appeal. While the appeal was pending, the applicant filed this application under section 19 of the Administrative Tribunal Act seeking to quash the order by which he was removed from service. Alternatively, the applicant requested for the direction to respondent No.3 to decide his appeal. It was also prayed

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(8)

that Departmental proceedings initiated against the applicant by Memo dated 17.9.93 may be directed to be completed. The applicant had also prayed for interim order directing the respondents not to initiate any eviction proceedings against him.

2. After filing this application the Appellate Authority has passed an order rejecting the appeal. Ld. counsel for the applicant states that the applicant has filed a Review Application. Now that the appeal has been dismissed, it is open for the applicant to await the order in the Review Application to challenge the order of the Appellate Authority. Therefore, the prayer in regards to the order of the applicants removal from service has thus become infructuous.

As the applicant stands removed from service by the order of the Disciplinary Authority which is confirmed by the Appellate Authority there may not be necessity to hold the departmental proceedings initiated by Memorandum of charges dated 17.9.93. Holding of such enquiry may arise any in case the order of dismissal is set aside either in the Review Application or in any other proceedings institute in that behalf. Therefore, this prayer for a direction to the respondent to complete the proceedings also cannot be considered at this stage. Therefore, the application has

(6)

now to be rejected at the admission stage itself without going into the merits of this case.

3. Ld. counsel for the applicant submits that as in Review Application submitted by the applicant is pending before the Commissioner of Police and as the applicant has/filed a petition also for allowing him to retain the quarter till disposal thereof appropriate orders may be given. We do not consider that any direction is necessary. It is for the Commissioner of Police to consider the Review Application as also the request of the applicant for retention of quarter till disposal of the Review Application and pass appropriate orders. The application is therefore rejected without entering into the merits, leaving it open to the applicant to seek appropriate remedy in accordance with law against the appellate orders.

No costs.

~~R.K. Ahoja~~
(R.K. Ahoja)

Member (A)


(A.V. Haridasan)
Vice Chairman (J)