

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 2378/1995

New Delhi this the 23rd day of July, 1996.

CORAM :

HON'BLE SHRI JUSTICE A. P. RAVANI, CHAIRMAN  
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Sunil Kumar S/O Hama Singh,  
V.P.O. Panti,  
Tehsil Samahalaka,  
Distt. Panipat,  
Haryana - 132101.

... Applicant

( By Shri J. S. Malik, Advocate )

-Versus-

1. Commissioner of Police, P.H.Q.,  
Indraprastha Estate,  
New Delhi.
2. Additional Commissioner of Police  
(AP & T), Police Hqrs.,  
Indraprastha Estate,  
New Delhi.
3. Deputy Commissioner of Police,  
3rd BN, D.A.P.,  
Police Lines, Kingsway Camp,  
Delhi.

... Respondents

( By Shri Jog Singh, Advocate )

O R D E R (ORAL)

Shri Justice A. P. Ravani -

The applicant was serving as a Police Constable.  
After he joined service, he was involved in a murder  
case incident of which took place on December 24, 1991.  
The applicant was suspended by order dated March 26, 1992  
by dispensing with the <sup>defence</sup> inquiry ~~and~~ taking recourse to  
the provisions of Article 311 (2) (b) of the Constitution.  
The applicant was ordered to be dismissed from service  
vide order dated August 8, 1992. In the criminal trial  
he was ultimately acquitted by the court of competent

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jurisdiction as per judgment and order dated December 12, 1994. The applicant has preferred this application praying that the order of dismissal from service be quashed and set aside and the respondents be directed to reinstate the applicant in service with backwages and other consequential benefits. The applicant has also prayed for direction regarding placement at the appropriate place in seniority.

2. The applicant has preferred an appeal against the order of dismissal from service. The appellate authority, i.e., Additional Commissioner of Police (AP & T), Calcutta has passed order dated February 6, 1996. In the pen ultimate portion of the order it is directed as follows :-

"I have carefully gone through the appeal, acquittal report and all the relevant records in the file. I have also heard the appellant in orderly room on 19.1.1996. This is a case which does not deserve any sympathy but the acquittal report of the court does not leave any room for action against the appellant. Accordingly Ex. Constable Sunil Kumar, No. 2269/DAP is re-instated in service with effect from the date of issue of this order. The decision for pay and allowances for the period from the date of dismissal to the date of reinstatement would be taken-up later."

3. The aforesaid order clearly shows that the question with regard to pay and allowances for the period commencing from the date of dismissal till the date of reinstatement, would be taken up later by the concerned authority. In this view of the matter, it could not be proper to entertain the application. In our opinion, if the application is disposed of with the following directions, it would meet the ends of justice :-

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- 1) Learned counsel for the respondents states that the Deputy Commissioner of Police, 3rd BN, D/P, that is, respondent No.3 herein, is the competent authority to take decision with regard to pay and allowances payable to the applicant for the period in question.

In view of this statement, respondent No.3 is directed <sup>his placement in seniority and regularity</sup>

to decide the question regarding arrears of pay and

allowances to the applicant ~~and also regarding his~~

~~placement in seniority~~ for the period from the date


of dismissal till the date of reinstatement, latest

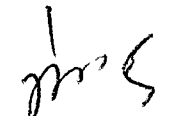
by September 23, 1996.

- 2) The decision that may be taken by respondent No.3 shall be communicated to the applicant by registered A/D post and also by ordinary post under certificate of posting within a period of three days from the date of taking the decision.

- 3) If the applicant feels aggrieved by the decision that may be taken by respondent No.3 as stated above, it will be open to him to challenge the legality and validity of that decision before the appropriate forum.

4. Subject to the aforesaid directions and observations, this application stands disposed of.

  
( R. K. Ahooja )  
Member (A)

  
( A. P. Ravani )  
Chairman

/aa/