

Two

Central Administrative Tribunal
Principal Bench

...

O.A.No. 364/95

New Delhi, this the 1st day of November, 1995

Hon'ble Shri A.V. Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K. Ahooja, Member (A)

Ex. Const. Baljeet Singh
(No. 8719/DAP)
son of Shri Baroo Ram,
aged about 28 years, previously
posted in Delhi Police,
R/o village & P.O. Ajaib,
Near Madina, Distt. Rohtak(Hr.)

..Applicant

(By Shri Shanker Raju, Advocate)

Versus

1. The Lt. Governor of N.C.T. Delhi/
Union of India through:
Commissioner of Police,
M.S.O. Building, Police Hqs.
New Delhi.

2. The Dy. Commissioner of Police,
(Headquarter-II) Police Hqs.,
M.S.O. Building, I.P. Estate,
New Delhi.

..Respondents

(By Shri Anoop Bagain, Advocate)

ORDER (Orel)

By Hon'ble Sh. A.V. Haridasan, Vice-Chairman(J):

The applicant, ex-Police Constable, has assailed in this application the order dated 2.1.1995 of second respondent by which his request for re-instatement as Police Constable was rejected. The applicant was selected as Police Constable and he joined duties on 1.10.1987. As he was arrested in connection with a criminal case and was charge sheeted, and he did not inform the competent authorities about his arrest and involvement in the criminal case, his services were terminated under Rule 5(1) of the C.C.S.(T.S.) Rules, 1965. Since the representation submitted by him against the termination of services was also rejected, he approached this Tribunal in O.A. No. 1970/88. This O.A. was eventually dismissed but it was observed that it would be open for the applicant to make a representation for re-instatement on his acquittal in


the criminal case. The applicant was acquitted by the Judicial Magistrate 1st Class by judgement dated 4.12.1993. After obtaining a copy of the judgement, acquitting him of the offences with which he was charged, the applicant made a detailed representation to the second respondent claiming re-instatement which was rejected by the impugned order. The applicant has stated in his representation that he did not withhold the information that he was arrested and chargesheeted from the authorities concerned and had actually taken the permission from the R.I. to appear in the court on the dates on which the case was posted and that under these circumstances his request of re-instatement might be favourably considered. In this application he has stated that the respondent No. 2 has not taken into account the various aspects of the case and the order rejecting his representation being cryptic and non speaking, the same is liable to be set aside.

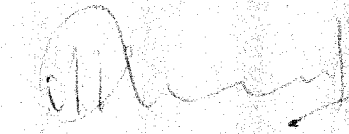
Respondents in their reply have indicated that the applicant never informed the authorities in writing about his arrest and involvement in the criminal case and that the decision on his representation was taken by the competent authority after considering his representation. When the application came up for hearing, the learned counsel for the applicant states that the applicant may be permitted to take the matter up with the first respondent and that a direction may be given to the first respondent to dispose of the representation, if any, made by the applicant, taking note of the fact that he was acquitted of the criminal charges. This request is opposed by the counsel for the respondents.

We are of the considered view that there is no justification in opposing the request of the applicant because even before approaching the Tribunal it was open to the

applicant to approach the higher authorities if he was aggrieved by the decision taken by the second respondent.

Under these circumstances, we are of the considered view that the request on behalf of the applicant for permission to take up the matter with first respondent for consideration is very reasonable. In the light of what is stated above we dispose of the application with a direction to the applicant to make a representation in regard to his grievance against the impugned order and seeking re-instatement explaining the circumstances of the case. We also direct the first respondent that if such a representation is received by him within a period of one month, from the date of receipt of this order the same shall be considered and disposed of with a speaking order within a period of one month from the date of receipt of this representations. There is no order as to costs.


(R.K. AHOOJA)
Member (A)


(A.V. HARIDASAN)
Vice-Chairman (J)

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