

Central Administrative Tribunal Principal Bench

OA No.590/96

New Delhi, this the 19th day of March, 1996

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

Mahavir Singh s/o Sh. Baghrawat Singh,
R/o H-1/4, Police Station,
Defence Colony,
New Delhi. ...Applicant
(By Shri J.K.Sharma, Advocate)

Versus

1. Commissioner of Police,
Police Headquarters,
I.P.Estate, New Delhi
2. Dy. Commissioner of Police,
H.Q.(III), Delhi
Police Headquarters,
I.P.Estate, New Delhi
3. Station House Officer.,
P.S. Defence Colony,
New Delhi.
4. Shri S.K.Jain,
FRRO., Hans Bhawan,
Bahadurshah Zafar Marg,
I.P.Estate, New Delhi .. Respondents

(By None)

ORDER (Oral)

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

The applicant was removed from service pursuant to the disciplinary proceedings initiated against him by order dated 24.3.1995 against which he had filed an appeal. While the appeal was pending, the applicant filed OA No. 1859/95 seeking to quash the order dated 24.3.1995 by which he was removed from service and also for a direction in regard to completion of disciplinary proceedings which have been initiated against him during the pendency of the application, as the same was not admitted, the appellate authority disposed of the appeal rejecting the same. The applicant filed review application.

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2. When the application came up for hearing on 28.2.1996, finding that the prayers in the application have become infructuous as the appellate authority had already rejected the appeal, the application was rejected under section 19(3) of the Administrative Tribunal Act,1985 wherein it was observed that it was open for the applicant either to pursue his relief before the reviewing authority or to file an original application challenging the appellate order. During the hearing of the case, it was urged on behalf of the applicant that the applicant had alongwith review application submitted a representation to the Commissioner of Police to allow him to retain the quarter in which he was residing and that a direction may be given to the reviewing authority in regard to passing an order on his representation. It was held that it was not necessary to give any such direction as it was open for the applicant to move the reviewing authority.

3. It appears that after the above application was rejected an order was passed on 8.3.1996 by the second respondent directing the SHO, Police Station, Defence Colony, New Delhi to take possession of the quarter of the applicant. The applicant has now filed this application seeking to quash this order and also for a further direction to the reviewing authority i.e. first respondent to dispose off the review petition filed by him. The applicant has also prayed for an interim order for staying the operation of the order dated 8.3.1996. After perusing the application and after hearing the learned counsel for the applicant, we do not find anything in this application for further consideration. The review application has been filed by the applicant against the order

of the appellate authority and the reviewing authority has to dispose off the same within a reasonable time frame. It is not open for the applicant to rush to the Tribunal without giving the reviewing authority any ~~order~~ ^{decision} within a reasonable time to dispose of this review. It is for the reviewing authority to dispose of the review application as also the application for permission to retain the quarter till the review is disposed of. It is premature for the Tribunal to intervene. Hence, the application is rejected Under Section 19(3) of the Administrative Tribunals Act.

R.K. Ahuja -

(R.K. Ahuja)
Member (A)

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