

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

MA 1199/99 in
OA 2339/97

New Delhi this the 16th day of November, 1999

Hon'ble Shri S.R. Adige, Vice Chairman(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

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1. Dal Chand
S/O Sh. Rati Ram Saini
R/O H.No. K/204, Sewa Nagar,
New Delhi.

2. Shyam Babu
S/O Sh. Ramesh Chander
R/O L 1/1, Police Colony,
Andrews Ganj, New Delhi.

..Applicants

(By Advocate Sh. Shyam Babu)

Versus

1. Secy. to Lt. Governor of Delhi,
Raj Niwas, Delhi-54.

2. Senior Additional Commissioner of
Police (AP&T), Police Headquarters,
I.P. Estate, New Delhi-2

3. Deputy Commissioner of Police (3rd Bn),
DAP, Kingsway Camp, Delhi.

.. Respondents

(By Advocate Sh. Girish Kathpalia)

O R D E R (ORAL)

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

Heard both sides.

2. Shri Shyam Babu has pointed out that the applicants appeals were disposed of by impugned order dated 10.10.96 (Annexures B and BB) which were passed by Shri T.R. Kakkar, Senior Additional Commissioner of Police, Delhi. Thereafter applicants revision petitions were also disposed of by impugned order dated 18.8.97 (Ann. BB to the amended OA) by Shri T.R. Kakkar as Commissioner of Police, Delhi as the revisional authority. Shri Babu has asserted that the same individual has acted both as the appellate authority as well as the revisional authority, which is not in accordance with the

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principles of natural justice. Furthermore, Shri Babu has pointed out that the applicants memorials have been disposed of by the Lt.Governor of Delhi, and the rejections have been communicated by respondents vide letter dated 11.6.98(Ann.BBB amended OA) without disclosing any reasons for the same.

3. These contentions are not disputed by respondents counsel Shri Kathpalia.

4. Under the circumstances, the aforesaid appellate order, the revisional order; as well on the orders of the Lt.Governor of Delhi communicating rejection of applicants memorials vide letter dated 11.6.98 are quashed and set aside. The matter is remitted back to the appellate authority for passing fresh appellate orders in accordance with rules and instructions on the subject.

5. In this connection, Shri Babu has invited our attention to MA 1199/99, enclosing a copy of the ^{revisional} ~~appellate~~ authority's order dated 7.7.99 passed in the case of Ex. Constable Hari Babu. Shri Shyam Babu has asserted that under identical circumstances, the removal order of Ex. Constable Hari Babu has been set aside by the ^{revisional} ~~appellate~~ authority and he has been reinstated.

6. While disposing of applicants appeals, the appellate authority shall not lose sight of the aforesaid order dated 7.7.99 passed in Ex. Constable Hari Babu's case to the extent that the same is on all fours with the present case.

7. These directions should be complied with by the respondents as expeditiously as possible, and preferably within two months from the date of receipt of a copy of this order.

8. The O.A. is disposed of accordingly. No costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

S. R. Adige

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