

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 2961 of 1997

New Delhi, dated this the 5th August, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Inspector Azad Singh Bhardwaj,
S/o Shri Ram Kishan,
R/o B-86, Rishi Nagar,
Shakur Bassti,
Delhi.

..... APPLICANT

(By Advocate: Mrs. Meera Chhibber)

Versus

1. Union of India through
Lt. Governor, Delhi
Raj Niwas, Delhi.
2. Commissioner of Police,
PHQ, M.S.O. Building,
I.P. Estate,
New Delhi.
3. Dy. Commissioner of Police,
Headquarters-I, M.S.O. Building,
I.P. Estate,
New Delhi.

..... RESPONDENTS

(None appeared even on the second call)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns the adverse remarks for the period 27.9.95 to 31.3.96 communicated vide letter dated 11.7.96 (Ann. P-1) and alternatively prays for remitting the matter back to the Commissioner of Police to decide the Revision Petition on merits.

2. I have heard applicant's counsel Mrs. Meera Chhibber. None appeared for respondents even on the second call.

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3. As this is a short matter, I am proceeding to dispose of this matter after hearing applicant's counsel and perusing the material on record.

4. Admittedly the impugned adverse remarks for the period 27.9.95 to 31.3.96 were communicated by Respondent's Memo dated 11.7.96 (Ann. P-I).

5. Upon receipt of the said Memo applicant filed a representation dated 11.8.96 (Ann. P-II) seeking short time to file a proper representation in view of the grave head injuries he had suffered earlier. That representation dated 11.8.96 was rejected vide respondents' order dated 23.9.96 (Ann. P-III). Thereupon applicant filed a memorial/revision petition to the L.G., Delhi, on 26.11.96 (Ann. PV) which was replied to vide respondents' Memo dated 20.8.97 (Ann. P-4) informing him that there was no provision for filing such an appeal to the L.G., Delhi.

6. Mrs. Chhibber has invited my attention to the DPAR O.M. dated 31.10.61 read with their O.M. dated 30.1.78 at Page 644 of Swamy's Manual on Establishment and Administration, 5th Edition, which provides that the competent authority may in

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its discretion entertain a representation beyond the prescribed period of time if there is a satisfactory explanation for the delay. 8

7. In the present case as the applicant had manifestly prayed to the respondents for extension of time to file a proper representation in view of the head injuries he had suffered and his consequent mental condition, it was a fit case where respondents should have granted him a short period of time to file a proper representation, instead of summarily rejecting his prayer for extension of time.

8. Under the circumstances, the O.A. is allowed to the extent that the impugned order dated ^{27.9.95} ~~23.9.96~~ ^(And P. III) is quashed and set aside. In the event that applicant makes a self-contained representation regarding the impugned adverse remarks for the period 27.9.95 to 31.3.96 within one month from the date of receipt of a copy of this order, respondents after condoning the delay should dispose of the same within two months from the date of receipt of such representation, in accordance with rules and instructions on the subject. No costs.

Anfolgi
(S.R. AD/GE)
VICE CHAIRMAN (A)

/GK/