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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA NO. 712/1997

New Delhi this the 13th day of November, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri K.Muthukumar, Member (A)

In the matter of

HC Nepal Singh No.2050/D,
S/O Shri Devi Singh,
R/O A-26, West Jyoti Nagar,
Loni Road, Shandara, New Delhi.

(By Advocate Sh. B.S. Oberoi)

... Applicant

Versus

1. Commissioner of Police,
Police Headquarters,
MSO Building, I.P.Estate,
New Delhi.

2. Additional Commissioner of Police,
(A P & T),
Police Headquarters,
MSO Building, I.P.Estate,
New Delhi.

.. Respondents

(By Advocate Shri Arun Bhardwaj through
proxy counsel Sh. Deepak Bhardwaj)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

In this O.A the applicant is aggrieved by the order passed by Respondent No.2 dated 5.6.96 (Annexure A-1). On an appeal filed against this order by the applicant, the appellate authority by its order dated 28.1.1998 has dismissed the same.

2. Shri B.S. Oberoi, learned counsel has taken a number of grounds challenging the OA but one of the main grounds is that both the orders i.e. disciplinary authority's order as well as the appellate authority's order have been passed by the same officer, namely, Shri T.R. Kakkar as Senior Additional Commissioner of Police, Delhi and Commissioner of Police, Delhi, respectively. In the circumstances, learned counsel has submitted that the appellate authority cannot sit on an appeal against his own order and he has, therefore, prayed that the impugned orders

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may be quashed and set aside.


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Shri Deepak Bhardwaj, learned proxy counsel for the respondents submits that in the above circumstances, the respondents may be given an opportunity to consider the appeal by another officer i.e. ^{the} present Commissioner of Police. He further submits that he has no objection if the impugned ^{appellate} authority order dated 28.1.1998 is quashed and set aside.

4. In the above facts and circumstances of the case, the appellate authority's order dated 28.1.1998 is quashed and set aside. The OA is remanded back to Respondent No.1 i.e. Commissioner of Police, Delhi to consider the appeal of the applicant afresh in accordance with law/rules and pass a speaking and reasoned order thereon within one month from the date of receipt of a copy of this order.

O.A. is disposed of as above. No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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