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**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.1152/1994

Tuesday, this the 28th day of April 2010

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Dr. Veena Chhotray, Member (A)

Shyam Sunder son of Shri Ved Prakash
r/o G-94, Uttam Nagar, New Delhi

..Applicant

(By Advocate: Shri Shyam Babu)

Versus

1. Commissioner of Police Delhi
Delhi Police Headquarters
MSO Building, IP Estate
New Delhi
2. Additional Commissioner of Police
Northern Range, New Delhi
Delhi Police Headquarters
MSO Building, IP Estate, New Delhi
3. Deputy Commissioner of Police
North West District Delhi
Police Station, Ashok Vihar, Delhi

..Respondents

(By Advocate: Shri H K Gangwani)

O R D E R (ORAL)

Shri Shanker Raju:

Heard the learned counsel for the parties.

2. Applicant, who was proceeded simultaneously in a disciplinary proceeding, was punished by the respondents by imposing a penalty of dismissal on 25.10.1991. Later on an order passed on 23.3.1993 by the Additional Session Judge acquitted him of the charges. However, at the time of filing the appeal, which was decided on 12.4.1993, a personal hearing was denied to the applicant and the fact of his being acquitted,

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which is earlier to the date of decision of the appeal, could not be brought to the notice of the respondents.

3. This OA was earlier heard by this Tribunal and dismissed vide order dated 11.11.1999. Applicant approached the High Court of Delhi by filing WP (C) No.5235/2000. Vide order dated 19.8.2009, High Court of Delhi has remanded back this matter to the Tribunal for determining the question as to the fact of acquittal on the order of dismissal, which we are now considering in the light of Rule 12 of Delhi Police (Punishment & Appeal) Rules, 1980, according to which, an acquittal obliterates any departmental inquiry and punishment thereof.

4. However, as this issue has not been considered by the departmental authorities, we partly allow this OA by setting aside the impugned appellate order and direct the appellate authority to consider afresh the impact of Rule 12 of Delhi Police (Punishment & Appeal) Rules, 1980 and acquittal of the applicant by passing a detailed and speaking order within a period of three months from the date of receipt of a copy of this order. As we have not gone into the merits and other legal grounds, liberty is accorded to the applicant to assail his grievance in accordance with law. No costs.

hchotray

(Dr. Veena Chhotray)
Member (A)

/sunil/

S. Raju

(Shanker Raju)
Member (J)

Exempted 2057/10 for Exemption
of Time