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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

D.A.No.57 of 1994

New Delhi, this the 12th day of January, 1994.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman

Hon'ble Mr B.K.Singh, Member(A).

Shri Ranjit Singh s/o Shri Chander Bahadur,
r/o Qr.No.29, New Police Lines,
Kingsway Camp, Delhi. ... Applicant

(by Mr K.S.Chhillar, Advocate)

vs

1. Commissioner of Police,
New Delhi,
Police Headquarters, Indraprastha Estate
New Delhi.
2. Addl. Commissioner of Police
(West District)
Rajouri Garden, New Delhi. Respondents.

O R D E R (oral)

PER S.K.DHAON, VICE CHAIRMAN

On 8.1.1993, the Additional Deputy Commissioner of Police passed an order, in the departmental proceedings, initiated against the petitioner, of his removal from service. Feeling aggrieved, the petitioner filed an appeal, which had been dismissed by the Additional Commissioner of Police on 9.12.1992. The two orders are being impugned in the present application.

2. The Additional Commissioner of Police has noted in his order that the order of punishment was received by the petitioner on 11.1.1993. He submitted his appeal on 14.7.1993. Rule 24(3) of the Delhi Police(Punishment & Appeal) Rules, 1980 provides that an appeal should be preferred within a period of 30 days from the date of receipt of the order. He, therefore, rejected the appeal as barred by limitation.

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3. We have perused the memorandum of appeal of the petitioner and we find that in it he had not given any satisfactory explanation for preferring a belated appeal. The burden of the song of the petitioner in the memorandum of appeal is that all along he was assured by the S.H.O. concerned that nothing would happen to the petitioner in the departmental proceedings. The case set up by the petitioner is that the S.H.O. for one reason or the other, kept the petitioner with him and did not leave him (the petitioner) to resume duties. The only explanation offered in the memorandum of appeal regarding delay is that the Inspector kept on assuring the petitioner that when Shri Udai Sahai comes to Delhi, they both will go to the higher authorities and get the proceedings dropped.

3. The petitioner having failed to avail the statutory right of appeal given to him, within time, we do not consider it a fit case for interference. The O.A. is rejected summarily.

(B.K.Singh)
Member(A).

(S.K.Dhaon)
Vice Chairman

/sds/