

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 73 of 1994

12

New Delhi this the 28th day of July, 1999

HON'BLE MR. JUSTICE D.N. BARUAH, VICE CHAIRMAN  
HON'BLE MR. N. SAHU, MEMBER (A)

Ex. Inspector Khyali Ram  
S/o Late Shri Bhagwan Dass,  
R/o 309/3 Gali No.2, Anand Parbat,  
Than Singh Nagar,  
New Delhi-110 005.

..Applicant

By Advocate Shri Shanker Raju.

Versus

1. Union of India through  
Lt. Governor/Administrator,  
National Capital Territory of Delhi,  
6, Rajniwas Marg,  
Delhi-54.

2. Commissioner of Police,  
Police Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi.

3. Additional Commissioner of Police  
(Northern Range),  
Police Headquarters,  
M.S.O. Building,  
New Delhi.

..Respondents

Shri Anil Singal, proxy counsel for Shri Anoop Bagai,  
Counsel for the respondents.

ORDER (ORAL)

Hon'ble Mr. Justice D.N. Baruah, Vice Chairman

Apprehending an order of dismissal, the  
applicant approached this Tribunal by filing an Original  
Application( OA.No.2273 of 1991).. During the pendency  
of OA 2273/1991, the applicant was served with Annexure  
A-4 order of dismissal dated 26.9.1991. This was



served on him on 21.1.1993 and only on receipt of the same order, he came to know that he was so dismissed. Being aggrieved by the order passed by the Disciplinary Authority, the applicant approached for permission of this Tribunal to allow him to prefer an appeal. A Bench of this Tribunal passed the following orders:-

" The learned counsel for the petitioner states that during the pendency of this OA, the punishing authority passed an order of dismissal and that order has been upheld by the appellate authority. So far, the petitioner has not questioned the legality of either two orders. Learned counsel, therefore, prays that this application may be dismissed as withdrawn with liberty to the petitioner to file a fresh one.

In view of the statement of the learned counsel, this OA is dismissed as withdrawn, however, liberty is granted to the petitioner to challenge the legality of the aforesaid two orders, if the law so permits. We make it clear that by this order we are not condoning the delay, if any, in filing of the fresh OA. The application is dismissed."

By the above order, the applicant was allowed to withdraw the O.A. with a liberty to challenge the legality of the said two orders. Hence the present O.A.

2. Written statement has been filed by the respondents. In the written statement it has been mentioned that the applicant was not found at his residence in spite of best endeavour. Thereafter, the authority served an order by affixing the same at the door of residence of the applicant.

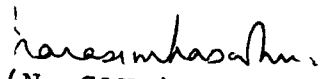
.3.


14

3. We have heard Shri Shanker Raju, the learned counsel for the applicant and Shri Anil Singal, the learned counsel appearing on behalf of the respondents. We have also perused the appellate order.

4. We feel that the appellate authority should have disposed of the matter on merits. Accordingly we dispose of this application directing the appellate authority to dispose of the appeal on merits as early as possible at any rate within a period of 3 months from the date of receipt of this order. If the applicant is still aggrieved, he may approach this Tribunal against the appellate order.

No costs.

  
(N. SAHU)  
MEMBER (A)

  
(D.N. BARUAH)  
VICE CHAIRMAN

Rakesh