

Central Administrative Tribunal  
Principal Bench, New Delhi.

O.A.775/1994

New Delhi, This the 19th Day of April 1994

Hon'ble Shri J.P. Sharma, Member(J)

Hon'ble Shri S.R. Adige, Member(A)

Shri S Gurdial Singh  
Ex-Sub Inspector,  
r/o 351, Bagh Kari Khan  
Kishan Ganj,  
Delhi - 110007.

...Applicant

By Advocate Shri J P Verghese

Versus

1. The National Capital Territory of Delhi through its Chief Secretary Old Secretariat Delhi.
2. The Commissioner of Police Police Headquarters IP Estate New Delhi 110 002.

....Respondents

ORDER(Oral)

Hon'ble Shri J.P. Sharma, Member(J)

1. The applicant was working as a Sub Inspector of Police, and prayed for the grant of reliefs that the respondents be directed to furnish the petitioner with copies of the inquiry proceedings, findings and orders of the disciplinary authority dated 26.6.85. Further the applicant be heard on his appeal afresh and he shall be filing the same within 30 days of the receipt of the order.
2. We have heard the learned counsel at length. Firstly the application is hit by limitation. The applicant has himself shown that the order of the disciplinary authority was

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passed on 26.6.85. Even then we have considered the judgement delivered in 1989 under section 7 Essential Services Maintenance Act by Sessions Court of Delhi acquitting the applicant by an order dated 4th May 1989. Further we find that the applicant was suspended with immediate effect in Dec 1984 and in Annexure III dated 10 Oct 91 we note that he preferred a representation in Dec 89 and April 90 respectively regarding dismissal from service. It is evident that the applicant had not come to the court within a period of one year under section 21(i) of the A~~E~~ Act 1985 i.e. from the date of the order of disciplinary authority of June 85, from the date of the order of Sessions Court in April 89 and finally from the memo dated 10 Oct 91. The application is therefore not maintainable and is hit by limitation.

3. The next contention of the learned counsel is that the applicant is unaware of the orders of though he was served with an order of suspension dated 20.12.84. The contention of the learned counsel is to issue direction on the respondents to hear the petition on his appeal afresh and to furnish the applicant certain copies of the orders. The Tribunal cannot make a roving enquiry. Further the applicant filed this OA aggrieved by the order of dismissal by the disciplinary authority of June 85. The learned counsel states that he has written the date only on 'hearsay'. This cannot be accepted as application is filed only after verification and at the bottom of the application it is written as true to his knowledge. Hence without knowing the particular facts he could not have filed the petition.

3. In view of the facts and circumstances of the case we do not find any merits in this application and hence it is dismissed as barred by limitation.

*Arifdagi*  
(S.R.ADAGE)  
Member(A)

*Jones*  
(J.P.SHARMA)  
Member(J)

LCP