

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 1036 of 1994

New Delhi this the 23rd day of May, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.N. Dhoundiyal, Member

Shri O.P. Rajpal
R/o H-64, Kirti Nagar,
New Delhi-110015.

...Applicant

By Advocate Shri Shyam Babu

Versus

The Chief Secretary,
Delhi,
Government of National Capital Territory of Delhi,
5, Sham Nath Marg,
Delhi.

...Repsondent

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

On 08.11.1993 we allowed Transferred Application No.973 of 1985 and OA 1133/1991 in part. We held that the Lt. Governor was not the disciplinary authority in the case of the applicant and, therefore, he had no jurisdiction to pass the order punishing him. We left it open to the competent authority to pass fresh order on merits and in accordance with law.

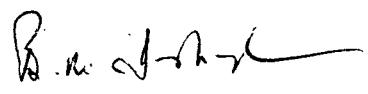
2. On 12.04.1994, the Cheif Secretary, Delhi had passed an order punishing the applicant. This O.A. is directed against the said order.

3. Admittedly, the applicant has a statutory right of appeal to the Lt. Governor. Shri Shyam Babu, the learned counsel for the applicant states that in view of the fact that the earlier order ^{was} passed by the Lt. Governor punishing the applicant, no useful purpose will be served if he prefers an appeal now to the Lt. Governor. We are not persuaded to accept this. We may note that some other getleman, who was then performing the **duties of the Lt. Governor**, had passed

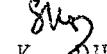
2.

the order of punishment against the applicant. We take judicial notice of the fact that in the meanwhile, Shri P.K. Dave has taken over as the Lt. Governor of Delhi. The mere fact that a Lt. Governor passed the order of punishment against the applicant is not sufficient to bypass the statutory right of appeal. We have no doubt that the new Lt. Governor will consider the appeal of the applicant on merits and in accordance with law and in disregard of the fact that his predecessor has passed an order punishing the applicant.

4. This application is not maintainable at this stage and is rejected summarily. It goes without saying that if the applicant has any cause of grievance against the appellate order, he will be at liberty to approach this Tribunal again, if so advised.


(B.N. DHOUNDIYAL)

MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN

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