CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO.1074/94
OA NO.1075/94
OA NO.1076/94
OA NO.1077/94
OA NO.1078/94

New Delhi this the 22nd day of July, 1999

HON'BLE MR. JUSTICE V.RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. R.K.AHOOJA, MEMBER (A)

In the matter of:

Om Parkash (D/705),
S/o Sh. Behari Lal
presently working as
Sub-Inspector (Executive) in Police
Station, Kirti Nagar (West District),
New Delhi. .... Applicant
(By Advocate: Sh. Shyam Babu)

Vs.

1. Deputy Commissioner of Police
9th Bn., Delhi Armed Police
Pitampura, Delhi.

2. The Addl. Commissioner of Police
(AP), Police Headquarters,
I.P.Estate, New Delhi. .... Respondents
(By Advocate: Sh. S.K.Gupta proxy for
Sh. Jog Singh)

ORDER (ORAL)

BY REDDY. J.

This batch of five cases can be disposed of by a common order.

2. The applicant in the above cases, is one Om Parkash. After issue of a show cause notice and after hearing the applicant the Resp. No.1 imposed the punishment of censure by order dated 17.9.85. The copy of the order was communicated to the applicant on 15.5.86. The applicant has to file an appeal within a period of 30 days from the date of receipt of a copy of the order. The applicant, therefore, filed the appeal on 13.6.86. The appeal was well within the period of limitation. Thereafter nothing has been heard from the appellate authority, on 24.4.91, the applicant made a representation to Resp. No.2, the appellate authority. Another representation was made to him on 25.2.92. By order dated 31.7.92 the appellate authority held an enquiry on the representation made by the applicant as to the appeal that was said to have been filed by the applicant. Thereafter in the proceedings dated 21.9.92 the second respondent wrote to the Deputy Commissioner of Police as follows:

"In this connection, it is submitted that SI Om Parkash No. D-705 submitted five appeals against five censures in Traffic Unit on 13.6.86 and the same were misplaced somewhere in Traffic Unit. Now worthy Addl. C.P./A.P. Delhi has ordered to entertain those appeals."

3. However, curiously the impugned order was passed by the Resp. No.2 holding that the appeals were time barred and accordingly the five appeals have been rejected by the order dated 16.6.93.

4. Heard counsel for the applicant and the respondents. The learned counsel for the applicant submits that the appellate authority have observed that the applicant filed five appeals on 13.6.86 and the same are misplaced somewhere in Traffic Unit and also giving a direction to the Addl. C.P./A.P. to entertain those appeals. Hence he erred in rejecting the appeals subsequently by the impugned order on the ground that the appeals were not filed within the stipulated period of time and the records were not available.

5. We see force in this contention. The Resp. No.2 directed to entertain the appeals on the ground in its order dated 21.9.92 held that the appeals were filed on 13.6.86 which is within the period of limitation. The impugned order rejecting the appeals is, therefore, invalid and has to be set aside and is accordingly set aside. The OAs are, therefore, allowed. The appellate authority, namely Resp. No.2, is directed to entertain and restore the appeals filed on 13.6.86 and dispose of the appeals on merits in accordance with law within a period of three months.

(R.K. AHOOJA)
Member (A)

(V.RAJAGOPALA REDDY)
Vice Chairman (J)

'sd'

Original judgement in OA 1054/94

c.o. cd.