

(35)

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

C.P. No. 591/2001  
O.A. No. 659/2000

New Delhi dated this the 17th April, 2002

HON'BLE SHRI S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE SHRI KULDIP SINGH, MEMBER (J)

Ravinder Kumar  
S/o Sh. Dharam Pal  
R/o Q No. 374, Type-I,  
A. Vihar, New Delhi  
(By Advocate: Sh. S.K. Gupta) ... PETITIONER

Versus

1. Ajay Raj Sharma,  
Commissioner of Police  
Police Headquarters  
MSO Building, IP Estate,  
New Delhi ... RESPONDENTS  
(By Advocate: Mrs. Neelam Singh)

ORDER(ORAL)

S.R. ADIGE, V.C. (A)

Heard both sides on CP-591/2001. alleging contumacious disobedience of the Tribunal's order dated 26.3.2001 in OA-659/2000.

2. By that order, having noted that a revision petition against the appellate order was still pending with respondents, the OA was disposed of with a direction to respondents to decide the aforesaid review petition, giving liberty to applicant. that if he was still aggrieved by the order passed on his revision petition, he was at liberty to file a fresh OA in accordance with law, if so advised.

3. Respondents now contend that they have no power to dispose of the aforesaid revision petition in the light of the CAT Full Bench's order dated 14.9.2000

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in OA-77/97 & connected cases wherein it has been held that Rule 25-B of Delhi Police (Punishment and Appeal) Amendment Rules, 1983 is ultra vires of the provisions of the Delhi Police Act. This, according to applicant constitutes contempt of the Tribunal's order.

4. Applicant's counsel Shri Gupta rightly contended that the fact that respondents had no power to dispose of the revision petition, in the light of the Tribunal's order dated 14.9.2000, should have been brought to notice of Bench by the respondents when the matter was heard on 26.3.2001. However, in our view that by itself would not constitute contempt of the Tribunal's order dated 26.3.2001.

5. We are of the considered opinion, that the interest of justice would be served if applicant is permitted to revive OA-659/2000. Applicants counsel agreed to this.

6. Accordingly we direct that OA-659/2000 be revived and listed for hearing on 7.5.2002 which suits both sides.

7. CP stands disposed of accordingly. Notices are discharged.

  
(KULDIP SINGH)  
M(J)

  
(S.R. ADIGE)  
V.C.(A)

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