

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

(3)

REGN.NO. OA 1229/89

Date of decision: 4.7.1989

Shri Dewan Ram

.....

Applicant

Vs.

The Commissioner of Police

Respondents

New Delhi & another

CORAM : HON'BLE SHRI P.SRINIVASAN, ADMINISTRATIVE MEMBER
HON'BLE SHRI T.S.OBEROI, JUDICIAL MEMBER

For the Applicant

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Shri S.P.Sharma,
Advocate

For the Respondents

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Shri P.L.Choudhary,
Assistant Commissioner of
Police.

JUDGEMENT (ORAL)

(Judgement of the Bench delivered by
Hon'ble Shri P.Srinivasan, Member(A)

This application has come up before us for admission with notice to the respondents. Shri S.P.Sharma, learned counsel appears for the applicant and Shri P.L.Choudhary, Assistant Commissioner of Police, New Delhi, appears for the respondents. They have been heard.

2. The grievance of the applicant is that he has been illegally placed under suspension and confined within the Battalion Headquarters. The applicant is a cook in the 8th Battalion of the Delhi Police. Shri Choudhary, for the respondents, raised an objection that the application has not been moved by the applicant himself but by his wife. Shri S.P.Sharma, learned counsel for the applicant counters this by saying that in view of his confinement in the Battalion Headquarters, the applicant was not able to contact a lawyer and move the application himself.

3. Shri Choudhary, for the respondents clarifies that the restriction imposed by the two impugned orders dated 15.6.89

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and 16.6.89 is only on the movement of the applicant outside Delhi. He is required to attend roll call once in the morning and once in the evening but at other times he is free to move about within Delhi. He has to take permission of the authorities concerned only to go out of Delhi. We are here recording the statement of Shri Choudhary made before us so that the applicant has no difficulty in future in filing an appeal against the impugned order of suspension. We consider it a reasonable restriction that he should be asked to attend roll call for five to ten minutes at 9AM in the morning and for a similar length of time at about 6 PM in the evening. We do not see any reason to interfere with this order.

4. Since the applicant has not exhausted the departmental remedies by filing an appeal against the impugned order of suspension, we are of the opinion that this application cannot be admitted. At the same time, we would also direct the respondents to give the applicant every facility to file an appeal and not place any hurdle in his way in doing so. When he files the appeal, the appellate authority will consider the appeal giving the applicant an opportunity of being heard and dispose of the appeal by a speaking order. If the applicant is dissatisfied with the order made in the appeal, he will have the liberty to approach this Tribunal.

5. The application is rejected at the stage of admission itself with the above observations, leaving the parties to bear their own costs.

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(T.S. OBEROI)
MEMBER (J)

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(P. SRINIVASAN)
MEMBER (A)