

12

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No.1770/90

Date of decision:11.6.93.

Shri Tajinder Pal Singh Petitioner
vs.
Lt.of Delhi & ors. Respondents

Coram:

The Hon'ble Mr.Justice S.K.Dhaon,Vice-Chairman(J)
The Hon'ble Mr.S.R.Adige,Member(A)

For the petitioner Sh.K.L.Sharma,Counsel.
For the respondents Sh.Raghubir Singh,SI.

JUDGEMENT(ORAL)

(BY HON'BLE MR.JUSTICE S.K.DHAON,VICE-CHAIRMAN)

The order dated 10.11.89 passed by the
Deputy Commissioner of Police terminating the
services of the petitioner is being impugned in the
present OA.

In the counter-affidavit filed on behalf of the respondents, it is stated that the appeal preferred by the petitioner had been dismissed by the Commissioner of Police. However, a copy of the order was not filed along with the reply. The counsel for the petitioner stated that the petitioner has not been served with a copy of the order passed by the appellate authority. We directed the learned counsel for the respondents to make available for our perusal the original appellate order. That has been done today.

On a perusal of the order, we find that there is a noting of one Sh.M.S.Singh. Thereafter, there is another noting of some other officer to the effect that "the facts leading to termination of the services of Constable Tajender Pal Singh are for orders please." At the foot of the two

Suy

13

notes, there are signatures of some officer to the effect "rejected". SI Raghubir Singh, who produced the original appellate order has stated that the signatures are of Shri Vijay Karan, the ~~then~~ ^{✓ then}

Commissioner of Police. It follows that the Commissioner of Police dismissed the appeal/representation of the petitioner by one word; "rejected".

The Commissioner of Police was required to apply his mind and pass a speaking order as an appeal/representation is the only ~~rtmental~~ remedy available to a Constable, like the petitioner. The order cannot be sustained. It is accordingly quashed.

The Commissioner of Police shall pass a fresh order after taking into consideration the points set out by the petitioner in his appeal/representation. The Commissioner of Police shall also afford an opportunity of hearing to the petitioner. If he decides the appeal against the petitioner, he shall give reasons in support thereof.

On 4.6.93, we adjourned the hearing of this OA to 8.6.93 with a direction to the respondents to produce the order of the appellate authority dismissing the appeal preferred by the petitioner and also record to show that the petitioner, in fact, resumed duty on 2.11.89. On

/

14
8.6.93, the learned counsel for the respondents was unable to produce the order of the appellate authority and, therefore, sought an adjournment. On her request, the matter was listed for today(11.6.93). It is stated by the departmental representative that the learned counsel is indisposed. However, the relevant record was produced before us, as referred to above.

With these directions, the OA is disposed of finally but without any order as to costs.

S.R. Adige
(S.R. Adige)
Member (A)

S.K.
(S.K.)
Vice-Chairman (-)

SNS