

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-44/94 in
QA-1757/90

New Delhi this the 14th Day of September, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Hon'ble Sh. Parkash Chand,
S/o Sh. Khilari Singh,
Vill.&Post Office Kundli,
P.S. Rai, District Sonepat.
Haryana.

Review Applicant

(through Sh. Shyam Babu)

versus

1. Delhi Administration, Delhi, through its Chief Secretary, 5, Sham Nath Marg, Delhi.
2. Addl. Commissioner of Police(A) Delhi Police Headquarters, I.P. Estate, New Delhi-110002.
3. Deputy Commissioner of Police, 7th Battalion, D.A.P., New Delhi.

ORDER (By circulation)

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

This review application is based on the assumption that in the operative part of the oral judgement of this Tribunal dated 3.1.1994, some words have been erroneously added.

The applicant is aggrieved by the following observations made in the judgement dated 3.1.1994:-

"The applicant shall be either reinstated in service with full back-wages, or an order, as permissible under the law shall be passed." (emphasised supplied).

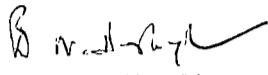
The applicant contends that during dictation of the judgement in the open court, the specific order only spoke of reinstatement with full back wages and there was no reference to the alternative of passing an order as permissible under law. Citing the judgement of this Tribunal in the case of Mool Chand Vs. Delhi Administration & Ors. on 10.9.93 (OA-1712/91 & connected OAs), wherein there is no reference to an order to be passed as permissible under law, the applicant contends that these words have been erroneously added due to a typing error.

We have carefully considered the submissions made by the applicant and have also gone through the record. A reference to the judgement dt. 10.9.93 in the case of Mool Chand Vs. Delhi Administration & Ors. is made in para-8 of the judgement dt. 3.1.1994. The limited purpose of this reference was that the condition precedent to the exercise of jurisdiction under Rule 8 of the Delhi Police (Punishment and Appeal) Rules, 1980 is that there should be a finding that the delinquent Government servant is guilty of grave misconduct and that there should be a further finding that by such misconduct, the delinquent has rendered himself unfit for Police service. However actual directions, may vary according to the circumstances of each case.

No prejudice has been caused to the applicant to the directions given by this Tribunal that either he should be paid full back wages and an order

as permissible under the law shall be passed. In case any prejudicial order to the applicant is passed, it is open to him to challenge it again.

This review application has no merit and is hereby dismissed.


(B.N. Dhoundiyal)

Member(A)


(S.K. Dhaon)

Acting Chairman

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