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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. 312/90

DATE OF DECISION 2.7.92.

Shri Kanwar Pal Singh -- Applicant

Versus

UOL SR.DIV. COMM. SUPTDT. . Respondants

CORAM:

Hon'ble Mr. Justice Ram Pal Singh, Vice Chairman (J)

Hon'ble Mr. I.P. Gupta Member (A)

For the Applicant ... Shri H.R. Bhutani

For the Respondents ... Shri B.R. Prashar

1. Whether reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

(Delivered by Hon'ble Mr. Justice Ram Pal Singh,  
Vice Chairman (J))

The applicant is aggrieved by order Annexure-A dated 8-1-1985, by which, his services were terminated by the Dy. Commissioner of Police, Delhi. According to the applicant, <sup>he</sup> they presented an appeal to the Director General of Police, H.Qrs., on 20-9-1985. The applicant has produced a copy of the said memorandum of appeal. This copy is Annexure-B. It is duly certified by an advocate that it is a true copy of the original. Subsequently, on 12-8-88, he again filed an application to the Director General of Police- Annexure-D praying that <sup>e</sup> two and half years have lapsed and he has <sup>not</sup> received any response to his appeal till today. This ~~document~~ <sup>is</sup>

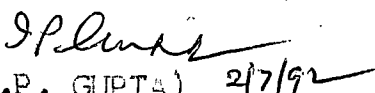
also duly certified to be a true copy of the original. This reminder was also not replied by the respondent. Then again, on 28-8-89, the applicant addressed a memorandum to Hon'ble Ministry<sup>e</sup> of State for Home Affairs, North Block, New Delhi and a copy is Annexure-E. This document is also duly certified to be true to the original by an advocate.

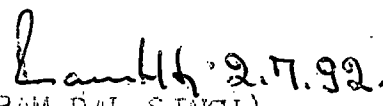
The respondents <sup>Counsel</sup> ~~are~~ appeared and filed<sup>ed</sup> their written ~~statement~~. In para 3 of the written ~~statements~~ respondents have taken the plea that they had not received any appeal from the applicant. They have further contended that if the applicant has filed any appeal, then he should produce the postal receipt or acknowledgment. It is <sup>a bald</sup> ~~barred~~ denial on the part of the respondent <sup>and</sup> does not get support from any of the documents filed by them. In this counter, they have not cared to contradict the documents Annexure B, C and E. This showed that the respondents are sitting over the appeal for the last 7 years. We may presume malafide on their part by this conduct of the respondents. They have opened themselves to ~~be~~ doubted. In the case of Mageta Dakuva (1975(2) SLR page 813) Division Bench of Orissa Court has observed that, "it does not <sup>lie</sup> ~~look~~ well in the mouth of opposing <sup>Complainer</sup> party to ~~comply~~ delay and lapse on the part of the petitioner, though, really they themselves are responsible for the delay and evinced gross callousness in not disposing of the appeal and memorial expeditiously". This observation of the High-Court can be made applicable

in this case also.

We are satisfied that the appeal filed by the applicant is still pending with the respondents. We, therefore, allow this <sup>application</sup> and direct the respondents to decide the appeal of the applicant as expeditiously as possible preferably within a period of 4 months. The applicant, if aggrieved by the orders on this appeal shall be at liberty to challenge the order along with the original impugned order ~~in~~afresh. Parties to bear their own cost.

Before parting we observed, if the appeal filed by the applicant is not available in the office of the respondents, then, the copy of the appeal supplied to the respondents counsel may be treated as appeal pending before the respondents.

  
(I.P. GUPTA) 2/7/92  
MEMBER (A)

  
(RAM PAL SINGH)  
VICE CHAIRMAN (J)