

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 1548/1991

Date of decision: 03.06.1993

Shri Gorakh Ram

...Applicant

Versus

Lt. Governor & Others

...Respondents

For the Applicant

...Shri A.S. Grewal, Counsel

For the Respondents

...Shri Gaj Raj Singh, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. S.R. ADIGE, MEMBER (A)

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr. Justice
S.K. Dhaon, Vice Chairman)

The petitioner has been compulsorily retired from service. The respondents have put in appearance and brought the records containing the recommendations of the Reviewing Committee.

2. We have perused the records. This Committee was headed by an Additional Commissioner of Police and two of its members are ~~were~~ Assistant Commissioners of Police. We are satisfied that the decision of the Committee is based on relevant considerations. No interference is called for.

3. It is urged on behalf of the petitioner that the order, in fact, has been passed by the Deputy Commissioner of Police and, therefore, is without jurisdiction. He *contends* ~~concedes~~ that the ~~Additional~~ Deputy Commissioner of Police is not empowered to pass such an order. It is urged that the appointing authority of the petitioner

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is the Additional Commissioner of Police and, therefore, the order of compulsory retirement has been passed by ~~an~~ the officer of ~~the~~ lowest rank. No such averments have been made either in the body of the application or in the grounds therein. This argument has been advanced for the first time at the Bar. The learned counsel at urges that it a clear question of law and it can be raised any time. We are not inclined to accept this submission. The plea raised by the petitioner requires investigation of the fact as to who really appointed him and what was his rank. We, therefore, do not permit the petitioner to raise the plea now.

4. The application is dismissed. The interim order passed on 19.07.1991 is hereby vacated.

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(S.R. ADIGE)
MEMBER (A)
03.06.1993

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(S.K. DHAON)
VICE CHAIRMAN
03.06.1993

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