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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1987 of 1991

New Delhi, dated the 23rd July, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Devi singh,
Ex-Sub Inspector,
No.925/D,
S/o Shri Bhom Singh,
R/o Qr. No.246, Type II,
P.S. Ashok Vihar,
Delhi-110052. APPLICANT

(By Advocate: Shri Shankar Raju)

VERSUS

1. The Commissioner of Police,
Police Headquarters,
M.S.O. Building,
I.P. Estate,
New Delhi.
2. The Addl. Commissioner of Police,
New Delhi Range,
Police Headquarters,
M.S.O. Building,
I.P. Estate,
New Delhi. RESPONDENTS

(By Advocate: Shri Girish Kathpalia)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard Shri Shankar Raju for the applicant and Shri Girish Kathpalia for the Respondents.

2. Respondents' counsel Shri kathpalia has invited our attention to the Tribunal's order dated 8.11.95 whereby time had been granted to him to clarify whether respondents' Memo dated 6.9. 91 (taken on record) summarily rejecting the applicant's

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appeal dated 22.4.91, was the final appellate order or merely a communication rejecting the appeal, and the appellate order had been passed separately. Shri Kathpalia has stated very fairly at the bar that despite full efforts made by respondents, they have not been able to locate any other appellate order, besides the Memo dated 6.9.91.

2. A perusal of the said memo dated 6.9.91 makes it abundantly clear that it is a non-speaking and non-reasoned order, which does not dispose of the grounds taken in the applicant's appeal petition dated 22.4.91 (Annexure A-9), and does not disclose any reason why the appeal has been rejected. This order does not even state that the appellate authority is rejecting the appeal because he agrees with the findings of the disciplinary authority.

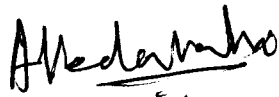
3. The appellate authority should have passed a detailed, speaking and reasoned order in which the points raised by the appellant should have been discussed. As this has not been done, the order dated 6.9.91 is quashed and set aside and both counsel agree that the matter be remanded back to the appellate authority to consider the grounds taken by the applicant in his appeal petition and pass a detailed, reasoned and speaking order thereon. For this purpose, if the applicant wishes to file any supplementary material to support his appeal including case laws, if any, the appellate authority should allow him reasonable opportunity to do so, and also grant him a reasonable opportunity of being heard in

person, before finally disposing of the appeal petition in accordance with law.

4. For this purpose the applicant is granted two weeks to file supplementary material, if any and the final appellate order should be passed by the appellate authority in accordance with the law, within three months of the date of such material being filed.

5. This O.A. stands disposed of accordingly. No costs.

6. Issue a copy of this order to both parties.



(DR. A. VEDAVALLI)
Member (J)



(S.R. ADIGE)
Member (A)

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