

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 1834/04
MA 1594/04

New Delhi, this the 4th day of August, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member (A)

SI M.Royal Reddy
Sl. No. 2012, R/o Qtr. No. D-2,
Mehram Nagar Police Colony,
New Delhi - 110 037.

...Applicant

(By Advocate Ms. Jasvinder Kaur)

V E R S U S

1. Government of NCT of Delhi through
Lt. Governor, Raj Niwas, New Delhi.
2. Commissioner of Police,
Police Head Quarters
I.P. Estate, New Delhi

...Respondents

O R D E R (ORAL)

Mr. Justice V.S. Aggarwal,

The applicant by virtue of the present application seeks quashing of the penalty order, the appellate order and the subsequent orders passed.

2. Some of the relevant facts are that departmental proceedings had been initiated against the applicant whereby he is alleged to have unauthorisedly absented from duty in the year 1992, details of which are :-

Sl.No.	D.D.No.	Date	Day	Hours	Minutes
1.	48	04-06-92	---	---	30
	50	04-06-92	---		
2.	8	10-07-92	---	---	15
	12	10-07-92	---	---	
3.	24	11-08-92	5	17	05
	3	17-08-92	---	---	
4.	9	09-09-92	---	12	15
	49	09-09-92	---	---	
5.	17	01-10-92	Till the date of suspension i.e. 04-12-92.		
6.	55	08-12-92	Running absent continuously w.e.f. 04-12-92 onwards upto 30-12-92.		

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-2/-

3. In the said departmental proceedings, findings were adverse to the applicant. Disciplinary authority vide order dated 9-9-93 dismissed the applicant from service. He preferred an appeal which was rejected as per the Memo on the record dated 20-9-94. The applicant preferred Review Petition against the said order on 19-6-95. The Order was modified and the revisional authority directed :-

"I, therefore, modify the punishment of dismissal to that of forfeiture of five years approved service permanently entailing reduction in his pay for a period of two years. He will not earn increment of pay during the period of reduction and on the expiry of this period the reduction will have the effect of postponing his future increments of pay. The intervening period from dismissal to date of joining duty is treated as dies non. As regards, currency of this punishment, it will run concurrently with previous one."

4. The applicant slept over his rights for seven years and thereafter preferred a Review Petition to the Lt. Governor which was rejected for want of jurisdiction. Hence the present application.

5. Along with this OA, an application has been filed seeking condonation of delay. The reasons given by the applicant are that for five years he was under tremendous mental stress and trauma, the main reason being the order of dismissal issued by the disciplinary authority and during the intervening period from dismissal till reinstatement, his father demised. It was in the year 2002 that the applicant had re-agitated the matter with the Lt. Governor by filing a Review Petition which has since been rejected. It is prayed that on this ground, delay may be condoned.

6. It is not in dispute that the period of limitation under Section 21 of Administrative Tribunals Act is one year from the date the final order is made. Once the period of limitation starts running, it will come to an end and in terms of Sub-Section (3) to Section 21 of the said Act, the person concerned must

MSg

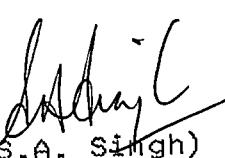
satisfy this Tribunal that he had sufficient grounds for not making the application within time.

7. As already referred to above, the applicant claims that he was under great stress and trauma from the date of dismissal till reinstatement. The applicant had been reinstated on 19-6-95. Therefore, the stress and trauma suffered by the applicant came to an end after reinstatement in the year 1995 and this cannot be taken as a ground for condonation of delay after reinstatement.

8. It has been alleged further that the applicant was totally disillusioned with the surroundings and was demoralised and thereupon he reagitated the matter with the Lt. Governor. As per the provisions of Delhi Police Act, 1978 and the rules framed thereunder, particularly Delhi Police (Punishment and Appeal) Rules, 1980, no Revision Petition/Review Petition is maintainable to the Lt. Governor. By filing such Review Petition, therefore, the applicant could not, by any stretch of imagination, save the period of limitation which has come to an end long back. Otherwise also, the same had been filed almost after seven year of his reinstatement.

9. Taking stock of this fact, we are of the considered opinion that no just and sufficient ground is made for condonation of delay. Resultantly, Miscellaneous Application seeking condonation of delay must fail.

10. As a result of the aforesaid, OA is also dismissed.


(S.A. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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