

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No. 1908 of 2004
OA No. 1912 of 2004**

New Delhi this the 2nd day of December, 2004.

**HON'BLE MR. SHANKER RAJU, MEMBER (J)
HON'BLE SHRI S.K. MALHOTRA, MEMBER(A)**

OA No. 1908/2004

Ct. Ramesh Kumar,
No. 660/L,
Old Police Lines,
Delhi.

...Applicant

(By Advocate: Shri Yogesh Sharma)

-Versus-

1. N.C.T. of Delhi through
The Chief Secretary,
New Secretariat,
Delhi.
2. The Joint Commissioner of Police,
Prov. & Logistics: Delhi,
Delhi Police, Police Head Quarters,
I.P. Estate, New Delhi.
3. The Deputy Commissioner of Police,
Prov. & Lines, Delhi,
Delhi Police, Police Headquarters,
I.P. Estate, New Delhi.

...Respondents

(By Advocates Shri S. Q. Kazim)

OA No. 1912/2004

Ct. Dharam Singh,
No. 467/ND (Now 768/L),
Old Police Lines,
Delhi.

...Applicant

(By Advocate: Shri Yogesh Sharma)

-Versus-

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1. N.C.T. of Delhi through
The Chief Secretary,
New Secretariat,
Delhi.
 2. The Joint Commissioner of Police,
Prov. & Logistics: Delhi,
Delhi Police, Police Head Quarters,
I.P. Estate, New Delhi.
 3. The Deputy Commissioner of Police,
Prov. & Lines, Delhi,
Delhi Police, Police Headquarters,
I.P. Estate, New Delhi.

...Respondents

(By Advocates Shri Rishi Prakash)

ORDER (ORAL)

By Shri Shanker Raju, Member (J):

As both these Original Applications are grounded on the identical facts and involve similar question of law, these OAs are being disposed of by this common order.

2. Applicants were punished with a major penalty against which an appeal has been preferred. Though the appeal was filed beyond the stipulated period of 30 days yet the request was also made for condonation of delay in filing the appeal.

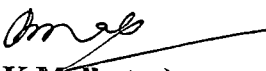
3. Appellate authority, vide impugned order dated 7.5.2004 in OA 1912/2004 and the order of even date in OA 1908/2004, rejected the appeal as being time barred.


4. As per rule 24(3) of the Delhi Police (Punishment & Appeal) Rules, 1980, it is incumbent upon the appellate authority if an appeal is beyond the prescribed period of 30 days, he has to apply his mind to the circumstances on which the delay has occurred and to examine whether the delay occurred was beyond the control of the appellant. In nutshell, what has been provided is that once a

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request for condonation of delay has been made, the same has to be taken into consideration while deciding the appeal by the appellate authority. The aforesaid compliance will be by recording reasons either to allow or reject the question of delay in filing the appeal and only thereafter the appeal can be decided. As such, the aforesaid exercise has not been undertaken by the appellate authority in the aforesaid cases and, therefore, the appellate order is not in conformity with the Rules *ibid*.

5. In the facts and circumstances of the cases, OAs are partly allowed and the appellate orders are set aside. Respondents are directed to pass a detailed, reasoned and speaking order within three months from the date of receipt of a copy of this order. The other legal grounds taken in the OAs are left open to assail if aggrieved. A copy of this order be placed in respective files of both the OAs.


(S.K. Malhotra)
Member (A)


(Shanker Raju)
Member (J)

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