

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

(9)

O.A. No. 1246 of 1992

New Delhi, dated the 30th June, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)  
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

Ex. Const. Jagminder Singh  
No. 602/W,  
S/o Shri Fateh Singh,  
R/o Vill. P.O. Goomar,  
Dist. Sonepat, Haryana. ... APPLICANT

By Advocate: Shri Shankar Raju

VERSUS

1. Commissioner of Police,  
Police Hqrs.,  
M.S.O. Building,  
I.P. Estate,  
New Delhi.
2. Dy. Commissioner of Police,  
North West District,  
Ashok Vihar,  
Delhi-110052. ... RESPONDENTS

By Advocate: Shri Vijay Pandita

ORDER (Oral)

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

Applicant impugns the order dated 7.1.92 dismissing him from service with immediate effect under Article 311(ii)(b) of the Constitution.

2. Shortly stated, applicant along with other constables were alleged to have criminally intimidated one Shri Mukesh Khari a contractor to pay him Rs. one lakh to them; otherwise they would not allow him to put <sup>in</sup> ~~the~~ tenders in respect of certain construction work.

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2. Applicant along with others were suspended. A case under FIR No.352 of 1991 u/s 341/506/387/34 IPC was registered.

3. We note that two of the other constables involved, <sup>namely</sup> Shri Naresh Kumar and Shri Mahabir Singh file O.A. No. 2856/91 and O.A. No. 2864/91 respectively which were disposed by common judgment dated 10.4.1992 (Ann. A-4). By that judgment the impugned orders dated 22.10.91 whereby they were ~~dismissed~~ <sup>1</sup> ~~suspended~~ under Article 311 (ii)(b) of the Constitution ~~were~~ set aside. Respondents were directed to reinstate them with backwages within a period of three months with liberty to follow Departmental Enquiry under relevant rules and in accordance with law.

4. In this connection we are further informed that by judgment dated 5.6.95, a copy of which is taken on record, the applicant as well as the other accused persons under FIR 352/91 have been acquitted of the charges against them as no witnesses came forward to corroborate the statement of PWS and prosecution failed to prove their case.

5. We further note that no appeal has been filed against the impugned order dated 7.1.92 and the present O.A. has been filed on 8.5.92, i.e. after the Tribunal's judgment in Naresh Kumar & Mahabir Singh's case (Supra).

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6. After hearing both counsel we dispose of this O.A. with a direction that in the event the applicant files an appeal against the impugned order dated 7.1.92 within two weeks from to-day, Respondents will condone the delay in filing the same and dispose of that appeal <sup>by a reasoned order</sup> in accordance with law within three months from the date of receipt of that appeal.

7. This O.A. is disposed of accordingly.  
No costs.

*Lakshmi Swaminathan*

(Mrs. LAKSHMI SWAMINATHAN)  
Member (J)  
/GK/

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(S.R. ADIGE)  
Member (A)