

Central Administrative Tribunal
Principal Bench

O.A. 1770/92

(X)

New Delhi this the 24th day of July, 1997

Hon'ble Shri S.R. Adige, Member(A).
Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Suresh Pal,
S/o Shri Sukhbir Singh,
R/o 29-A, Mangolpur Kalan,
Delhi-83. ...Applicant.

By Advocate Shri Shankar Raju.

Versus

1. Lt. Governor Delhi through
Chief Secretary,
Delhi Administration,
Delhi.
2. Commissioner of Police, Delhi,
Delhi Police Headquarters,
MSO Building, I.P. Estate,
New Delhi.
3. Additional Commissioner of Police,
Southern Range, New Delhi,
Delhi Police Headquarters,
MSO Building, I.P. Estate,
New Delhi.
4. Additional Commissioner of Police,
South District, Hauz Khas,
New Delhi. ...Respondents.

By Advocate Shri Girish Kathpalia.

ORDER (ORAL)

Hon'ble Shri S.R. Adige, Member(A).

The applicant has sought a number of reliefs in this O.A. but his counsel has stated at the Bar that he is only pressing reliefs sought for in para 8(vi) and (ix), i.e. that he has prayed for quashing of the impugned order dated 13.12.1990 whereby the punishment of stoppage of four future increments permanently was enhanced to that of

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(8)

dismissal from the force; and that he be reinstated from the date of dismissal with all consequential benefits.

2. We have heard Shri Shankar Raju, learned counsel for the applicant and Shri Girish Kathpalia, learned counsel for the respondents.

3. Shri Kathpalia, learned counsel for the respondents, has raised a preliminary objection of limitation and has contended that the present O.A. was filed beyond the period prescribed under Section 21 of the Administrative Tribunals Act, 1985 from the order dated 13.12.1990 disposing of the applicant's revision petition.

4. In this connection, Shri Shankar Raju, learned counsel for the applicant, has pointed out that after the disposal of the revision petition by order dated 13.12.1990, he had filed a representation to the LG, Delhi dated 25.4.1991 which was rejected by order dated 27.6.1991 and the present O.A. was filed without loss of further time on 9.7.1992.

5. In the light of the foregoing, the preliminary objection is rejected.

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6. In this connection, Shri Shankar Raju, learned counsel for the applicant, has stated that the applicant's case is fully covered by the judgement dated 20.7.1993 in O.A. 336/91, Shri Ranbir Singh Vs. Commissioner of Police & Ors. which itself refers to the earlier judgements on the subject, including the Hon'ble Supreme Court's judgement in the case of Yogender Pal Singh Vs. Union of India (AIR 1985 SC P.1015).

7. Under the circumstance, the present O.A. succeeds in part. The impugned order dated 13.12.1990 is quashed and set aside. We, however, make it clear that the appellate authority's order dated 1.8.1989 shall stand.

8. We direct that the applicant shall be reinstated within one month from the date of receipt of a copy of this order. In the particular facts and circumstances of the case, we direct that the applicant will be entitled to consequential benefits of seniority and consideration for promotion, and if so promoted, pay fixation on notional basis in accordance with the rules, but he shall not be entitled to any backwages for the period he was not in service.

No order as to costs.

Lakshmi
(Smt. Lakshmi Swaminathan)
Member(J)

Adige
(S.R. Adige)
Member(A)