

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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RA No. 147/98
in

OA No. 3213/92

New Delhi, this the 13th day of August, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

In the matter of:

Ex. Head Constable Bimal Kumar
s/o Shri Moti Lal Ghosh,
r/o Qtr. No. A-39, Police Colony,
Anand Vas, P.S. Saraswati Vihar,
Shakurput, Delhi. ..Applicant

By Advocate: Shri Shankar Raju

vs.

1. Additional Commissioner of Police,
New Delhi Range,
Police Headquarters, MSO Building,
New Delhi.
2. Additional Dy. Commissioner of Police,
New Delhi District, Parliament Street,
New Delhi.Review applicants/
Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R

Hon'ble Shri T.N. Bhat, Member (J)

This R.A. filed by the respondents in the O.A. seeking review of our judgement order dated 15.5.1998 is clearly devoid of force. The reasons are as follows:

1. In our aforesaid order we held that the case against the applicant was a case of no evidence and therefore the punishment order and the appellate order

by
13.8.98.

were liable to be quashed. We further held that the Additional Deputy Commissioner of Police who had passed the punishment order was not the competent authority.

2. The Review Applicants seek review of our judgement mainly on the ground that while quashing the impugned orders the Tribunal did not grant the respondents in the O.A. the liberty to continue the enquiry from the stage of consideration by the competent disciplinary authority. According to the Review Applicants such liberty had been granted in other cases of identical nature. In this regard reference is made to the judgement order dated 23.5.1998 in OA 3157/98 (Ex-Constable Mohinder Singh vs. Additional Commissioner of Police and Others).

3. We have carefully considered the contentions raised in R.A. On going through the copy of the judgement in Mohinder Singh (Supra) we find that the O.A. was allowed mainly on the ground that an incompetent person had acted as the disciplinary authority. No finding was recorded on the merits of the evidence recorded in the enquiry. In the instant case, on the other hand, we have quashed the punishment order and the appellate order not merely on the ground that the punishment order was passed by an incompetent authority

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but also on the ground that this was a case of no evidence. In such circumstances the respondents could not be granted the liberty to hold a fresh inquiry.

4. We are convinced that the Review Applicants have not disclosed any valid ground warranting exercise of the powers of review by us.

5. This R.A. is accordingly rejected, by circulation.

R.K.Ahooja -
(R.K.Ahooja)
Member (A)

T.N.Bhat
(T.N.Bhat)
Member (J)