

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. 1920/93

New Delhi this the 1st day of December, 1993.

THE HON'BLE MR J.P. SHARMA, MEMBER (J)
THE HON'BLE MR B.K. SINGH, MEMBER (A)

Ex. Constable Vashist Kumar No.687/SD
S/o Shri Ram Niwas,
previously employed in Delhi Police,
R/o Village & P.O. Khanpur,
District Meerut (U.P.)

...Applicant

(By Advocate Shri Shankar Raju)
Versus

DELHI ADMINISTRATION

(through Addl Commissioner of Police)
Southern Range, Police Headquarters,
M.S.O Building, I.P. Estate,
New Delhi

...Respondents

ORDER (Oral)

(Hon'ble Mr J.P. Sharma, Member (J))


The applicant a Constable in Delhi Police has been guilty of alleged misconduct and was involved in murder case along with others and has been chargesheeted under Section 302/34 of the IPC at Police Station S.N. Puri. The Disciplinary Authority invoking provisions of Article 311 (2) (b) of the Constitution of India passed an Order dated 8th October, 1992 dismissing the applicant from service holding that the enquiry in such a circumstance, is not possible and have given reasons in the aforesaid order. The applicant has filed an appeal against the aforesaid order as under-trial prisoner on 16th March, 1993. After expiry of six months the present application has been filed praying for direction to the respondents to dispose of the appeal. A notice was issued to


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the respondents on 14.9.93 for 13.10.93. Shri Savroop Singh, SI appeared on the date but no reply was filed. The matter was again adjourned for today giving further 4 weeks time to the respondents to file the reply. The respondents have not filed the reply and the Departmental representative same Sawroop Singh SI appeared and requested to engage a lawyer. We have gone through the application. In the relief prayed for the only prayer made in this application is that a direction be issued to the respondents to dispose of the appeal. The respondents without any direction could have done ^{so} much, holding either the appeal lies or appeal does not lie or appeal is barred by limitation. In any of the ways they could have disposed of appeal communicating the result to the applicant. The applicant, therefore, has approached the Tribunal praying that the respondents be directed to dispose of the appeal by Speaking order.

Since, there is no objection by the respondents and no reply has been filed, we dispose of this application at the admission stage itself with the direction to the respondents to dispose of the appeal of the applicant ^{if not already disposed of} by Speaking Order. It is open to the respondents to pass any order in the circumstances of the case and the direction by itself does not mean that the appeal, if does not lie should be entertained and dispose of or if appeal is barred by time, the delay be condoned, then dispose of. It is open to the respondents to consider the appeal in their own sphere as Appellate Authority. The

respondents to pass any order within a period of (5)
if not already passed on the said appeal
six months ^{le} from the date of the receipt of this
order. Cost on parties.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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