

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 2705/93

New Delhi this the 1st day of November, 1994

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Amar Nath (No. 172/C)
S/O Shri Shankar Lal,
R/O Vill. & P.C. Raispur,
Distt. Ghaziabad (U.P.) ... Applicant

By Advocate Shri Shyam Babu

Versus

1. Addl. Commissioner of Police
(New Delhi Range), Police
Headquarters, I.P.Estate,
New Delhi.
2. Dy. Commissioner of Police
(East District), Delhi.
3. Shri Gopi Chand, Inspector,
D.E. Cell (Vigilance),
Police Station,
Defence Colony,
New Delhi. Respondents

By Advocate Shri O. N. Trisal

ORDER (CRAL)

Shri Justice S. C. Mathur, Chairman —

This is the second round of litigation by the applicant before this Tribunal. Earlier, after disciplinary proceedings, he was dismissed from service by the disciplinary authority. In appeal the appellate authority confirmed the order of dismissal. The applicant filed O.A. No. 2546/91 in this Tribunal. The plea of the applicant was that certain evidence which had not been brought to his notice was relied upon by the disciplinary authority as well as by the appellate authority.

(2)

The submission of the learned counsel that the consideration of such evidence vitiated the order of dismissal found favour with a Bench of this Tribunal. Accordingly, that original application was allowed by judgment and order dated 13.9.1993. The Bench quashed the appellate order and hoped that the appellate authority would pass fresh order expeditiously. Thereafter, the appellate authority reconsidered the matter and setting aside the order of the disciplinary authority, remanded the proceedings to the said authority for de novo trial. The present application is directed against this order of the appellate authority. The submission of the learned counsel is that the appellate authority has no jurisdiction to direct de novo trial.

2. The orders which may be passed by the appellate authority are referred to in Rule 25 of the Delhi Police (Punishment & Appeal) Rules, 1980. Clauses (e) and (f) of this Rule need reproduction. They read as follows :-

"25. Orders on appeal — (1) On appeal, the appellate authority may,.....

- (e) remit the case to the authority which made the order or to any other authority to make such further inquiry as it may consider proper in the circumstances of the case; or
- (f) pass such other orders as it may deem fit."

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(3)

3. The submission of the learned counsel is that the present matter can at the most attract clause (e). His submission is that under this clause the appellate authority can remit the matter to the disciplinary authority with direction to make further inquiry, but the term 'further inquiry' does not mean de novo trial. It is not necessary for us to go into the controversy raised by the learned counsel as under clause (f), the appellate authority has very wide powers to pass any order which it may deem fit. The present order cannot, therefore, be said to be beyond the scope of Rule 25.

4. In view of the above, this application lacks merit and is hereby dismissed in limini.

P. J. D.S.

[Signature]

(P. T. Thiruvengadam)
Member (A)

(S. C. Mathur)
Chairman

/as/