

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.654/2017

New Delhi, this the 23rd day of February, 2017

Hon'ble Mr. Shekhar Agarwal, Member (A)

Hon'ble Dr. Brahm Avatar Agrawal, Member (J)

Ct. Inder Pal Singh (PIS 28941745), Group-C, Aged 45 years
S/o Late Sh. Krishan Pal Singh,
R/o PCR Barrack, P.S. Vivek Vihar, Delhi.Applicant.

(By Advocate: Mr. Anmol Pandita)

Versus

1. The Commissioner of Police,
PHQ, MSO Building, I.P. Estate, New Delhi-110002.
2. The Dy. Commissioner of Police,
P.S. Vivek Vihar, Delhi. .. Respondents

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A):-

Learned counsel for the applicant has submitted that applicant had earlier approached this Tribunal, vide OA No. 1597/2013. The aforesaid OA was dismissed as withdrawn by order dated 02.08.2016, the relevant part of which reads as under:-

“4. Faced with the situation, at the very outset, instead of arguing the matter on merits, the learned counsel intends to withdraw the OA to enable the applicants to file fresh OA to challenge the punishment order, if passed by the Disciplinary Authority in the Departmental Enquiry. Therefore, OA is dismissed as withdrawn, with the aforesaid liberty.

Needless to mention that the Disciplinary Authority would naturally decide the matter after taking into consideration the import and effect of Rule 11(3) of the Delhi Police (Punishment & Appeal) Rules, 1980, in accordance with law. However, the parties are left to bear their own costs.”

2. Learned counsel for the applicant has submitted that the respondents are in complete disregard to the order of this Tribunal proceeded with the enquiry and have initiated process of passing punishment order. The applicant has submitted his representation against the findings of the enquiry officer to the respondents on 02.01.2017. However, they have yet to take decision on the same.

After hearing the learned counsel for the applicant, we are of the opinion that this OA can be disposed of at the admission stage itself, with a directions to the respondents to consider the aforesaid representation dated 02.01.2017 of the applicant and the directions given by the Tribunal vide order dated 02.08.2016 before passing the order in the Disciplinary Proceedings. Ordered accordingly. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(Shekhar Agarwal)
Member (A)

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