

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 4421/2013

New Delhi, this the 7th day of December, 2016

HON'BLE MR. P.K. BASU, MEMBER (A)

Inspr. Mahender Singh Punia, No.D-I/794,
(PIS) No.16810050,
S/o Shri Amir Singh,
R/o Qtr. No.204, Police Colony,
Hauz Khas, New Delhi-16.

.. Applicant

(By Advocate : Shri U. Srivastava)

Versus

Govt. of NCT Delhi through :

1. The Chief Secretary
Govt. of N.C.T. of Delhi
Delhi Secretariat,
New Delhi.
2. The Commissioner of Police,
Police Head Quarters,
MSO Building,
New Delhi-02.
3. The Joint Commissioner of Police,
Southern Range,
New Delhi.
4. The Dy. Commissioner of Police,
Central District,
New Delhi.

.. Respondents

(By Advocate : Shri N.K. Singh for Mrs. Avnish Ahlawat)

ORDER (ORAL)

Heard the learned counsel for both sides.

2. The applicant has challenged the order dated 24.08.2011 by which he has been awarded the punishment of 'Censure'. He had filed an appeal before the Appellate Authority, which was rejected vide order dated 29.11.2013 on the ground of being delayed and not on the merits of the case.

3. On perusal of the order dated 24.08.2011, it has been found that there is no indication that the Disciplinary Authority had tried to ascertain the fact as stated by the applicant that on the night of 26/27.08.2010, his son suddenly fell ill around 1.00 a.m. and the applicant's wife informed him of this. The applicant asked his wife to move to Batra Hospital and he also went to attend to his son. His son was discharged at about 4.00 a.m. and he returned to PS about 4.45 a.m.

4. In the interest of justice, it is felt that both the Disciplinary Authority and the Appellate Authority should consider this statement of the applicant by verification of record at Batra Hospital etc. and then only draw any final conclusion.

5. In view of above, the O.A. is allowed. The punishment order dated 24.08.2011 and the Appellate Authority's order dated 29.11.2013 are quashed and set aside, with a direction to the respondents to consider the statement of the applicant, as stated above, and then pass a reasoned and speaking order. Needless to say that the delay would be condoned while doing so. Time frame of 90 days is fixed for compliance of this order by the respondents from receipt of a certified copy of this order. No order as to costs.

(P.K. Basu)
Member (A)

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