

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**MA No.2705/2017 In
O.A No.2467/2017**

**Reserved On:04.07.2018
Pronounced on:09.07.2018**

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Praveen Mahajan, Member (A)**

Hari Om Sharma
PIS No.28872204
HC (Ex.) in Delhi Police,
Aged about 49 years
S/o Shri K.R. Sharma
R/o 1220, Type-II,
Timar Pur, Delhi-54.

Applicant

(By Advocate: Shri Anil Singal)

Versus

1. Govt. of NCT of Delhi
Through Commissioner of Police,
PHQ, IP Estate, New Delhi.
2. Joint C.P. (Armed Police),
PHQ, IP Estate, New Delhi.
3. DCP (2nd Bn. DAP)
Through Commissioner of Police,
PHQ, IP Estate, New Delhi.Respondents

(By Advocate: Shri K.M. Singh)

ORDER

By Mr. V. Ajay Kumar, Member (J)

The applicant is presently working as ASI (Executive) in respondents-Delhi Police and filed the OA seeking to quash the order of penalty imposing the punishment of withholding of next increment for a period of 2 years permanently vide order dated

11.10.2007, Corrigendum dated 15.10.2007 and the appellate order dated 21.01.2008 (Annexure A-2). The applicant has also filed the MA seeking condonation of delay of 3455 days in filing the OA.

2. Heard Shri Anil Singal, learned counsel for the applicant and Shri K.M. Singh, learned counsel for the respondents and perused the pleadings on record.

3. It is specifically stated in the MA filed by the applicant that though the appeal against the punishment order was disposed of by an order dated 21.01.2008 but the same was not served on him till 16.09.2016, on which date it was supplied to him when he applied under the RTI Act. Accordingly, the applicant submits that though he filed the MA seeking condonation of delay of 3455 days but, in fact, there is no delay as the OA was filed within time from the date of knowledge of dismissal of the appeal, i.e., within one year from 16.09.2016. Though the respondents filed the reply to the MA but they have not denied the fact of not serving the appellate order till the year 2016. However, they submit that the period of limitation commences from the date of passing of the order and not from the date of knowledge of the applicant.

4. We cannot accept the submission of the respondents. Though the applicant is also under obligation to pursue his statutory appeal made against the punishment order, but in the peculiar circumstances of the case and in the interest of justice and since the condonation of delay, though substantial, does not adversely

affect the rights of any other individual, the delay in the instant case deserves to be condoned.

5. In the circumstances and for the aforesaid reasons, the delay in filing the OA is condoned and accordingly, the MA is allowed subject to payment of cost of Rs.5000/- (Rupees Five Thousand Only) payable to the Delhi Legal Services Authority within 3 weeks from the date of receipt of this order. On payment of the same, list the OA for admission on 16.08.2018.

(PRAVEEN MAHAJAN)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

RKS