

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA-431/2013

New Delhi, this the 16th day of August, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

Parwati Kujur, ACP,
D/o late Sh. L. Kujur,
R/o Qrt. No. 7k, Block-7,
Police Colony Model Town, New Delhi. ... Applicant

(through Sh. M. K. Bharadwaj)

Versus

1. Commissioner of Police,
Police Headquarters, IP Estate, ITO,
New Delhi.
2. Addl. Commissioner of Police (Security),
Police Headquarters,
Vinay Marg, New Delhi.
3. Dy. Commissioner of Police (Security)
Police Headquarters,
IP Estate, ITO, New Delhi.
4. Dy. Commissioner of Police,
South – East Distt.,
Sarita Vihar, New Delhi. ... Respondents

(through Ms. P.K. Gupta)

ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

The applicant was imposed punishment of forfeiture of one year approved service permanently entailing subsequent reduction in her pay from Rs. 7900/- to Rs. 7700/- per month in the present scale of pay with immediate effect through order dated 14.09.2005. The applicant claims to have preferred an appeal to first respondent

feeling aggrieved by the order of punishment. Stating that the appeal has not been disposed as yet, this OA is filed with a prayer to direct respondent no. 1 to dispose of the appeal, or in the alternative, to quash and set aside the findings of the Inquiry Officer as well as the punishment order dated 14.09.2005.

2. The respondents filed detailed counter affidavit. As regards the plea of the applicant that her appeal was not disposed of yet, it is stated that the appeal was disposed of on 16.02.2006 and that a copy thereof has been received by the applicant on 23.02.2006.

3. We heard Sh. M.K. Bharadwaj, learned counsel for the applicant and Ms. Harvinder Oberoi, learned counsel for the respondents.

4. Two alternative reliefs are claimed in this OA. We are of the view that one cannot be reconciled with the other. Once the appeal is pending, she has to await the outcome or to pursue the remedy depending upon the decision taken upon by the Appellate Authority. It is stated in the counter affidavit that the appeal has been disposed of on 16.02.2006.

5. We direct that the respondents shall make available a copy of order dated 16.02.2006 to the applicant within four weeks from today. It shall be open to the applicant to pursue the remedies in relation there to. It is, however, directed that in case the record

discloses that the applicant received the copy of the order dated 16.02.2006 in the year 2006 itself, the question of limitation would be considered keeping that fact in view. OA is disposed of accordingly. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/