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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO.2959/2003

New Delhi, this the 17th day of August, 2004

HON'BLE MR. JUSTICE V.S.AGGARWAL, CHAIRMAN
HON'BLE MR. S.K. NAIK, MEMBER (A)

Ct. Som Pal Singh, No.1674/E,
S/o Shri Sube Singh,
R/o D-I/205, Gali No.4
Ashok Nagar, MIG Flat,
Shahadara, Delhi

..... Applicant

(By Advocate : Shri Sachin Chauhan)

Versus

1. Joint Commissioner of Police,
New Delhi Range
2. Addl. Dy. Commissioner of Police,
East Distt. Delhi,
3. Govt. of NCT of Delhi,
Through its Secretary,
New Secretariat

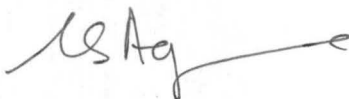
..... Respondents

(By Advocate : Shri S.Q. Kazim)

ORDER (ORAL)

Disciplinary proceedings had been initiated against the applicant. In pursuance of the same, an Enquiry Officer had been appointed, who held the charge against the applicant proved. The disciplinary authority imposed the following penalty on the applicant –

"I, V.V. Chaudhary, Addl. Dy. Commissioner of Police, East Distt., award him the punishment of withholding of three increments for a period of three years with cumulative effect of postponing future increments. The defaulter, who was placed under suspension vide this Office order No.17451-71/HAP/East, dated 12.11.1999, is re-instated from suspension with immediate effect and his suspension period is decided as 'Dies-non' on the principle of 'no work no pay'.




(2)


2. The applicant preferred an appeal. The same was dismissed. By virtue of the present application, the applicant seeks to assail the orders passed by the disciplinary authority as well as the appellate authority.

3. Without touching the other aspects of the merit of the matter which we are also not deciding, the learned counsel contended that the appellate authority has taken into consideration the extraneous factor, namely, para-wise comments of the disciplinary authority. The applicant was not aware of any such para-wise comments of the disciplinary authority and, therefore, prejudice has been caused to the applicant.

4. We have carefully considered the said submissions. The appellate authority is required to consider the material on record, i.e., the evidence that has been led during the course of the enquiry, the submissions of the applicant and the order of the disciplinary authority. These are quasi judicial proceeding and, therefore, when appeal is decided, one should confine to the record.

5. The para-wise comments appear to have been called at the back of the applicant. The applicant is not aware of any such comments submitted by the disciplinary authority. Therefore, the applicant can reasonably claim that prejudice has been caused to him. Resultantly, on this short ground we only set aside the order passed by the appellate authority and direct that a fresh order in accordance with law may be passed.


(S.K. NAIK)
Member (A)


(V.S. AGGARWAL)
Chairman

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