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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 3177/2003

This the 21st day of July, 2004

HON'BLE SH. SHANKER RAJU, MEMBER (J)
HON'BLE SH. S.A.SINGH, MEMBER (A)

Const. Harish Kumar
S/o Late Sh. Mangat Ram,
PIS No.28860101
R/o V & PO Bakhlor,
Dist. Jalandhar, Punjab.

...Applicant.

(By advocate: Shri Anil Singal)

Versus

1. Govt. of NCT of Delhi
Through Commissioner of Police
Police Head Quarters ,
IP Estate, New Delhi.
2. Jt. Commissioner of Police
(Rashtrapati Bhavan), PHQ,
IP Estate, New Delhi.
3. DCP (Rashtrapati Bhavan)
at Rashtrapati Bhavan,
New Delhi.

...Respondents.

(By Advocate: Ms. Rashmi Chopra)

O R D E R (ORAL)

By Shri Shanker Raju:

Heard the counsel.

2. Applicant impugns dismissal order dated 5.3.99 as well as the appellate order passed on 19.7.2003 whereby his appeal has been rejected meereely on the ground of being time barred, even though he had given justifications, reasons for delay in preferring the appeal on genuine medical grounds and other relevant factors.

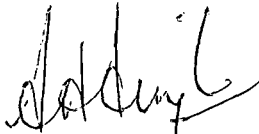
3. Rule 24 (3) of the Delhi Police (Punishment & Appeal) Rules, 1980 mandates that the appellate authority may, however, accept an appeal which is barred by

7

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limitation, if in his opinion the delay occurred due to circumstances beyond the control of the appellant which had been put forward by the appellant in his appeal. As the rule has not been complied with and there is no consideration of the grounds advanced by the applicant for condonation of delay, we find that the appellate authority while rejecting the appeal had not applied its mind and also not considered the medical grounds in accordance with the rules (ibid).

4. In view of above, the OA is partly allowed. Order of appellate authority is set aside. We remit back the matter to the appellate authority to apply its mind afresh to the genuine request of the applicant for condonation of delay on medical grounds and thereafter to pass a detailed and speaking order. The aforesaid directions shall be complied with within a period of three months from the date of receipt of a copy of this order. No costs.


(S.A. Singh)
Member(A)


(Shanker Raju)
Member (J)

/kdr/