

(17)

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

R.A. NO. 3/2005

M.A. NO. 82/2005

in

O.A. NO. 2980/2003

New Delhi, this the 19th day of April, 2005

**HON'BLE MR. JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE MR. S.A. SINGH, MEMBER (A)**

Shri Ubraj Singh
S/o Late Shri Agnu Singh,
Inspector (D-1/716),
R/o AE-114, Shalimar Bagh,
Delhi.

... Applicant/review respondent

(By Advocate: Shri Anil Thakur)

-versus-

The Commissioner of Police,
Delhi Police, PHQ, Delhi.

... Respondents/review applicant

(By Advocate: Shri Om Prakash)

ORDER (ORAL)

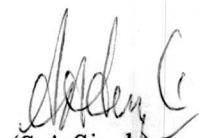
By Justice V.S. Aggarwal, Chairman:

An order was passed by this Tribunal on 28.09.2004 quashing the order of the disciplinary authority dated 13.12.2001. One of the pleas taken up was that the order contravenes Rule 8(d)(ii) of the Delhi Police (Punishment & Appeal) Rules, 1980. On that ground, following the dicta of the Delhi High Court in the case of *Shakti Singh vs. Union of India* (Civil Writ Petition No. 2368/2000 decided on 17.09.2002), the petition was allowed.



2. Respondents seek the review contending that on 3.2.2004, keeping in view the decision, the amended order had already been passed and even an application had been filed seeking amendment of the Original Application but the Tribunal did not notice the same.

3. Taking stock of these facts, when the order dated 3.2.2004, which had been passed during pendency of the Original Application, was still not subject matter of the controversy, it is conceded and we dispose of the Review Application directing that applicant would be at liberty to file a fresh Original Application challenging the order of 3.2.2004 taking all legal and factual pleas, available in law and question of limitation will not come in his way. Consequently, respondents need not pass any fresh order.



(S.A. Singh)
Member (A)



(V.S. Aggarwal)
Chairman

/na/