
(2020) 07 CAT CK 0013

In the Central Administrative Tribunal

Case No : Original Application No. 100, 871 Of 2020

Ct. Anil Kumar

APPELLANT

Vs

Govt. Of N.C.T.D & Others

RESPONDENT

Date of Decision : 10-07-2020

Acts Referred:

Indian Penal Code, 1860 — Section 120(b), 409, 420
Constitution Of India, 1950 — Article 311(2)(b)

Citation : (2020) 07 CAT CK 0013

Hon'ble Judges : L. Narasimha Reddy, J;Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Sachin Chauhan, Esha Mazumdar

Final Decision : Disposed Of

Judgement

L Narasimha Reddy, J

1. The applicant was appointed as Constable in the Delhi Police in the year 2008. FIR No.195/2019 was registered in the PS EOW, Delhi against the applicant and certain others, alleging offences punishable under Sections 420, 120(b) and 409 of IPC. The Disciplinary Authority of the applicant passed as order dated 09.10.2019 dismissing him from service by invoking power under Article 311(2) (b) of the Constitution of India. The applicant contends that he was wrongfully dismissed from service and even if the allegations contained in the FIR are take as true, the same does not entail in any punishment, much less of dismissal. It is stated that the applicant availed the statutory remedy of appeal, feeling aggrieved by the order of dismissal and complained that no orders were passed thereon. In this background he filed this OA, challenging the order of dismissal and seeking direction for disposal of the appeal.

2. We heard Sachin Chauhan, learned counsel for the applicant and Ms.Esha Mazumdar, learned counsel for the respondents at the stage of admission.

3. The applicant was dismissed from service through an order dated 09.10.2019

by invoking the power under Article 311(2)(b) of Constitution of India. Though he has raised several contentions in this OA while challenging the order of dismissal, we are not inclined to deal with the same at this stage. The reason is that the applicant has availed the statutory remedy of appeal before the concerned authority. The Appellate Authority would be in a better position to appreciate the issue from various angles and to take an appropriate decision. In matters of this nature, the Appellate Authority is required to be a bit prompt, particularly when the livelihood of the applicant is affected.

4. We, therefore, dispose of the OA directing the Appellate Authority i.e. Joint Commissioner, to pass orders on the appeal preferred by the applicant within a period of two months from the date of receipt of a copy of this order.

5. There shall be no order as to costs.