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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6752/2016

SUBHASH CHANDER

..... Petitioner

Through Mr. Anil Singal, Advocate

versus

GOVT OF NCT OF DELHI THROUGH COMMISSIONER OF POLICE
& ORS. Respondents

Through Mr. Devesh Singh, ASC with
Ms. Harvinder Oberoi and Mr. Vinod
Kumar Bhati, Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE I.S. MEHTA

ORDER

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03.08.2016

CM.APPL 27752/2016(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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Learned counsel for the petitioner submits that after the matter was remanded back to the Tribunal by the High Court, the only issue which was required to be decided by them was that “the Tribunal shall decide the issue raised by the petitioner with respect to the power of a DANIPS officer to impose upon him the penalty of dismissal from service by adverting to the pleadings, which in turn would require the Tribunal to take cognizance of the OM dated 07.08.1959 and the decision dated 18.07.2002 passed in OA no.1818/2001.”

Mr. Singal while relying on ground (D) of the writ petition submits that the Tribunal has relied upon material which was neither argued nor placed on

record, thus the petitioner had no opportunity to rebut the same. He seeks leave of the Court to file a review petition to raise ground (D) before the Tribunal.

Notice. Counsel for the respondents accepts notice.

Heard.

The petition is disposed of while granting leave to the petitioner to make an application seeking review while relying on ground (D) of the writ petition. In case the application is filed within two weeks from today, the respondent will not raise the plea of limitation before the Tribunal.

The writ petition stands disposed of.

Copy of the order be given Dasti to the counsel for the parties under the signature of Court Master.

G.S.SISTANI, J

I.S. MEHTA, J

AUGUST 03, 2016

pst

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