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

+ W.P.(C) 6950/2016

CONST. DALBIR SINGH ..... Petitioner

Through Mr. Mimansak Bhardwaj, Advocate

versus

COMMISSIONER OF POLICE AND ORS ..... Respondents

Through Mr. P. Roy Chaudhuri, ASC

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MR. JUSTICE I.S. MEHTA**

**ORDER**

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**14.09.2016**

Challenge in this writ petition is to the order dated 30.08.2013 passed by the Central Administrative Tribunal (hereinafter referred to for short as 'the Tribunal') by which the OA filed by the petitioner stands dismissed.

We may notice that by an earlier order dated 07.05.2010, the Tribunal had allowed the OA filed by the petitioner being OA No.2233/2009 and the matter was remanded back to the Inquiry Officer to proceed in the matter as per Rule 16(ix) of Delhi Police(Punishment and Appeal) Rules, 1980 from the stage of recording evidence. After the matter was remanded back, the Inquiry Officer again found the charges against the petitioner to be proved.

On perusal of the pleadings and documents filed along with the writ petition, we find that the Inquiry Officer has relied upon the testimonies of witnesses who had appeared at the first stage but has failed to consider the testimonies of witnesses who had appeared after the matter was remanded back, which aspect has been ignored by the Tribunal.

Resultantly, we set aside the order dated 30.08.2013 passed by the

Tribunal and remand the matter back to the Tribunal.

Parties to appear before the Tribunal on 07.11.2016, as prayed.

The writ petition stands disposed of in above terms.

**CM.APPL 28541/2016(delay)**

The application stands disposed of in view of the orders passed in the writ petition.

**G.S.SISTANI, J**

**I.S. MEHTA, J**

**SEPTEMBER 14, 2016**

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