

\$~1 (Special Bench)

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

+ W.P.(C) 6415/2018

SANDEEP KUMAR Petitioner

Through: Mr. Bhanu Gupta, Advocate for
Mr. Ankur Chhibber, Advocate

versus

UNION OF INDIA AND ORS Respondents

Through: Ms. Barkha Babbar with Mr. Het Shah,
Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **20.08.2018**

CM APPL. 33305/2018 (exemption)

Allowed, subject to all just exceptions.

REVIEW PET. 316/2018 (by the petitioner for seeking review of the order dated 01.06.2018) and CM APPL. 33304/2018 (for condonation of delay of 117 days in filing review application)

1. The petitioner has filed the present review application praying *inter alia* for reviewing the order dated 01.06.2018. Accompanying the said application is an application for condonation of delay of 17 days in filing the review application.

2. Vide order dated 01.06.2018, the present petition was disposed of on the date of admission with liberty granted to the petitioner to approach the
W.P.(C) 6415/2018

Page 1 of 3

Appellate Authority against his dismissal order dated 31.07.2016, by filing an appeal under Rule 28 of the CRPF Act and Rules alongwith an application for seeking condonation of delay. It was further directed that if the petitioner takes necessary steps in this regard within four weeks from the date of passing of the order, then the Appellate Authority shall examine the said appeal not just on the aspect of limitation but also on merits and pass a speaking order and if the petitioner is aggrieved by the said decision, he would be entitled to seek legal recourse, as advised.

3. It has now been averred in the review application that the counsel for the petitioner was never informed by the family members of the petitioner, who is stated to be mentally disturbed, that an appeal under Rule 28 of the CRPF Act and Rules was preferred on behalf of the petitioner and the said appeal stood dismissed by the Appellate Authority vide order dated 13.12.2017 and aggrieved by the said order, a revision petition under Rule 29 of the CRPF Act and Rules was also submitted, which was rejected by the Revisional Authority vide order dated 23.05.2018. Copies of the aforesaid orders have been enclosed with the review application and marked as Annexure RP-2 (colly). In the aforesaid background, the petitioner seeks modification/recall of the order dated 01.06.2018.

4. Issue notice.

5. Ms. Barkha Babbar, learned counsel for the respondents accepts notice and states that since the present petition was disposed of on the very first date, there was no opportunity for her to obtain clear instructions from the Department with regard to the status of the appeal/revision petition filed by the petitioner. In any event, the order dated 23.05.2018 has been passed

by the Revisional Authority after the writ petition came to be filed by the petitioner in the first week of March, 2018.

6. In view of the fact that the petitioner had laid a challenge only to his dismissal order dated 31.07.2016 passed by the Disciplinary Authority, liberty is granted to him to seek legal recourse against all the three orders, i.e., the discharge order dated 31.07.2016 passed by the Disciplinary Authority at Srinagar, the order dated 13.12.2017 passed by the Appellate Authority at Gandhi Nagar and the order dated 23.05.2018 passed by the Revisional Authority at Navi Mumbai, before the competent court vested with jurisdiction in this regard.

7. The review application is allowed and disposed of on the above terms alongwith the application for condonation of delay.

HIMA KOHLI, J

PRATIBHA RANI, J

AUGUST 20, 2018

rkb/ap