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

% Judgment delivered on: 31.10.2022

+ W.P.(C) 9781/2019

CONSTABLE CHARAN SINGH Petitioner

versus

GOVT. OF NCTD THROUGH THE COMMISSIONER OF
POLICE AND ORS. Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Sachin Chauhan, Advocate

For the Respondents: Mrs. Avnish Ahlawat, Standing Counsel
with Mr. N.K. Singh and Ms. Laavanya
Kaushik, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns judgment dated 27.02.2019 whereby the Original Application filed by the Petitioner seeking setting aside of the order of major punishment and rejection of the statutory appeal has been dismissed.

2. Learned counsel for the Petitioner submits that though the Tribunal has noticed the factual matrix of the case and the law on the subject, however, has not returned any finding on the question of law as well as issues raised by the Petitioner.

3. Perusal of the impugned order dated 27.02.2019 shows that the Tribunal after noticing the factual matrix of the case, referring to the judgment of the Supreme Court and noticing the contention of learned counsel for the parties, has dismissed the Original Application recording as under :-

“8. In view of the facts of the case narrated above and in view of the law laid down by the Hon’ble Apex Court referred to above and in view of the fact that the counsel for the applicant has not brought to our notice violation of any procedural rules or principles of natural justice, the OA requires to be dismissed.”

4. Order of the Tribunal is a cryptic order, which does not deal with any of the submissions of either the Petitioner or the Respondent and has also not observed as to how the judgment of the Supreme Court, as extracted by the Tribunal are applicable to the facts and circumstances of the case. There is no discussion on the merits of the contention of either party.

5. In view of the above, impugned order is not sustainable and accordingly the matter is liable to be remitted to the Tribunal for a fresh consideration in accordance with law.

6. In view of the above, impugned order dated 27.02.2019 is set aside. The matter is remitted to the Tribunal for passing a fresh speaking order in accordance with law.

7. Petition is disposed of, in above terms.

8. It is clarified that this Court has neither considered nor commented upon the merits of the contention of either party. All rights

and contentions of parties are reserved.

9. Parties shall appear before the Tribunal for directions on 08.12.2022.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

OCTOBER 31, 2022

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