9

Central Administrative Tribunal, Principal Bench

Original Application No.1222 of 2002
with
Original Application No.1223 of 2002
Original Application No.1226 of 2002
Original Application No.1231 of 2002

New Delhi, this the 28th day of January, 2003

Hon'ble Mr.Justice V.S.Aggarwal,Chairman
Hon'ble Mr.Shankar Prasad,Member(A)

O.A.No.1222/2002

Jeet Ram (Driver)
4211/PCR,
Rose Bud PCR Line
Delhi-84 ....Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1.Commissioner of Police
PHQ, I.P. Estate,
New Delhi

2.Addl. Commissioner of Police,
PCR & Communication,
Rose Bud PCR Line,I.P.Estate,
Delhi,

3.Deputy Commissioner of Police,
PCR & Communication,
Rose Bud PCR Line,I.P.Estate,
Delhi ....Respondents

(By Advocate: Shri Vimal Rathi,proxy for Mrs.Pratima Gupta)

O.A.1223/2002

Ram Kumar, ASI
4648/D,
Rose Bud PCR Line,
Delhi-84 ....Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1.Commissioner of Police
PHQ, I.P. Estate,
New Delhi

2.Addl. Commissioner of Police,
PCR & Communication,
Rose Bud PCR Line,I.P.Estate,
Delhi.

3.Deputy Commissioner of Police,
PCR & Communication,

Rose Bud PCR Line, I.P. Estate,
Delhi ....Respondents

(By Advocate: Mrs. Jasmine Ahmed)

O.A. 1226/2002

Silak Ram
H.C. No. 572/PCR,
Delhi-84 ....Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Union of India
Through Commissioner of Police
PHQ, I.P. Estate,
New Delhi

2. Addl. Commissioner of Police,
PCR & Communication,
Delhi.

3. Deputy Commissioner of Police,
PCR & Communication,
Delhi ....Respondents

(By Advocate: Mrs. Renu George)

O.A. 1231/2002

ASI Khazan Singh,
4499, DVPO ASOUDHA
Distt., Jhajhar, Haryana Posted at
PS Punjabi Bagh,
Distt. West,
Delhi. ....Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Commissioner of Police
PHQ, I.P. Estate,
New Delhi

2. Addl. Commissioner of Police,
PCR & Communication,
Delhi.

3. Deputy Commissioner of Police,
PCR & Communication,
Delhi ....Respondents

(By Advocate: Mrs. Jasmine Ahmed)

O R D E R(ORAL)

By Justice V.S. Aggarwal,Chairman

By this common order, the following applications can conveniently be taken and disposed of together.

2. All the applicants in the above said original applications had faced disciplinary proceedings and the Deputy Commissioner of Police had passed the order of forfeiture of service of the applicants for a specific period and their pay was reduced also. It was directed that they will not earn increments during the period of reduction and on the expiry of the said period, the reduction will have the effect of postponing their future increments of pay.

3. Our attention has been drawn to the decision of the Delhi High Court in Civil Writ No.2368/2000 in the case of **Shakti Singh vs. Union of India & ors.** rendered on 17.9.2002. When a similar controversy had arisen, the High Court while considering rule 8 of Delhi Police (Punishment and Appeal) Rules, had concluded that this sort of order tentamounts to dual punishment.

4. Keeping in view the ratio decidendi of the above said decision, the present applications are allowed and the impugned orders are quashed. It is directed that the disciplinary authority would pick the loose threads and from the stage the punishment order had been passed may, as deemed appropriate, pass any fresh order in accordance with law. This exercise should be done preferably within four

12

months of the receipt of the certified copy of the present order.

5. By way of abundant caution, we make it clear that nothing said herein should be deemed as an expression of opinion on the merits of the matter or other questions raised by the applicants.

Shankar Prasad

(Shankar Prasad)
Member(A)

VS Ag

(V.S. Aggarwal)
Chairman

/dkm/