

(2) (9)
Central Administrative Tribunal
Principal Bench
OA No.69/2002
MA 1519/2002

New Delhi, this the 13th day of November, 2002.

Hon'ble Shri Kuldip Singh, Member (J)
Hon'ble Shri M.P.Singh, Member (A)

Shri Mahinder Singh
Son of Shri Ram Singh
Resident of Village -Deghot
Tehsil - Palwal,
Distt. - Faridabad
Haryana

..... Applicant.

(By Advocate: Shri N. Safaya)

Versus

1. Commissioner of Police
Police Headquarters
IP Estate
New Delhi.
2. Joint Commissioner of Police (Traffic)
Police Headquarters
IP Estate
New Delhi.
3. Additional Commissioner of Police (Traffic)
Police Headquarters
IP Estate
New Delhi.
4. Dy. Commissioner of Police (Traffic)
Police Headquarters
IP Estate
New Delhi.

.... Respondents.

(By Advocate: Shri George Paracken)

Order (oral)

By Shri Kuldip Singh, Member (J)

The applicant has assailed the order passed by the appellate authority imposing penalty in the following manner:-

I forfeit his ten years of service for a period of ten years by reducing his pay by ten stages from 3800/- to Rs. 3050/- p.m. in the pay scale with immediate effect. As per FR 29 he will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will have the effect of postponing his future increments of pay. The period from the date of dismissal from service to the date of

For

issue of this order will be treated as period not spent on duty on the principle of 'no work no pay'. Further the intervening period from the date of this order to the date of joining the duty by the defaulter be treated as dies-non. Ex. Const. Mahender Singh 1554/T is hereby directed to report for duty to RI/RND.

The applicant has assailed the same on the ground that this order of penalty which is passed by the appellate authority is not in consonance with the Delhi Police (Punishment and Appeal) Rules read with FR 29 which has been so mentioned by appellate authority's order. Besides this counsel for the applicant also contended that the punishment awarded is in violation of section 21 of Delhi Police Act.

We have heard the learned counsel of the parties and the documents on record.

The punishment order reproduced above would reveal that the appellate authority while imposing a penalty had passed order forfeiting 10 years of service for a period of 10 years by reducing his pay by ten stages from Rs. 3800/- to Rs. 3050/- in the pay scale with immediate effect. It is further observed that as per FR 29 he will not earn increment of pay during the period of reduction and that on expiry of this period, the reduction will have the effect of postponing his future increments of pay. The learned counsel for the applicant then referred to certain Government decision given under FR 29 which prescribes that if the pay of Government employee is reduced to a particular pay, the same remain constant for the entire period. The decision of the Govt. also prescribes the format to illustrate as to how order of pay has to be passed. The format also shows that the reduction will not have the effect on postponing of future increments as per FR 29 of Swamy's compilation.



But the impugned order would show that the appellate authority had observed postponing of future increment also. Thus it is not in consonance with FR 29. Similarly section 21 of the Delhi Police Act provides various punishment but also prescribes that disciplinary authority may award any police officers of the subordinate category any of the following punishment and it prescribes as:-

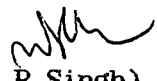
As per FR 29

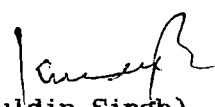
(1) If a Government servant is reduced as a measure of penalty to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, the period of reduction shall operate to postpone future increments

(2) If a Government servant is reduced as a measure of penalty to a lower service, grade or post or to a lower time scale, the authority ordering the reduction may or may not specify, the period for which the reduction shall be effective; but where the period is specified, that authority shall also state whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

After going through the same, we find that the impugned order is not in consonance with section 21 of Delhi Police Act and has to be quashed.

Accordingly, the OA is disposed of with a direction that the matter is remitted back to appellate authority to pass a fresh order in accordance with Delhi Police Act and the rules as per FR 29. This may be done within a period of two months from the date of receipt of a copy of this order. No costs.


(M.P. Singh)
Member (A)


(Kuldip Singh)
Member (J)

/shyam/