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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 418/2002

New Delhi, this the 16th day of January, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri V. Srikantan, Member(A)

R.K. Meena
RZ-69, Main Dabri Road
Extension Palam Road, Delhi ... Applicant

(Shri Sachin Chauhan, Advocate)

versus

1. Commissioner of Police
PHQ, ITO, MSO Building
IP Estate, New Delhi
2. Jt. Commissioner of Police
New Delhi Range
IP Estate, New Delhi
3. Addl. Dy. Commissioner of Police
North East District
Gokul Puri, Delhi ... Respondents

(Mrs. Jasmine Ahmed, Advocate)

ORDER(oral)

Shri Justice V.S. Aggarwal

The applicant is Sub-Inspector in Delhi Police. In the departmental proceedings initiated against the applicant, the Addl. Dy. Commissioner of Police has imposed the following punishment:

"The act of SI R.K.Meena No.D-1315 involves a deterrant punishment taking into account his clear service record and new entrance in the Department, I am inclined to take a lenient view and therefore, I Sunil Garg, Addl. Chief Commissioner of Police, North East Distt. ordered the punishment of forfeiture of two years approved service permanently for aperiod of two years entailing proportionate reduction of his pay with immediate effect. He will not earn increment during the period of reduction and after the expiry of this period, the reduction will have effect of postponing his future increments."

2. Appeal preferred by the applicant had been dismissed on 27.2.2001 by the Joint Commissioner of Police, New Delhi Range.

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3. By virtue of the present application, applicant has assailed the said orders.

4. During the course of submissions learned counsel for the applicant, without prejudice to the other pleas taken, urged that the penalty/punishment imposed is in violation of Rule 8 of Delhi Police (Punishment & Appeal) Rules, 1980.

5. We do not ^{purpose} ~~like~~ to discuss further in this matter because of the decision of the Delhi High Court in CWP No.2368/2000 (Shakti Singh Vs. UOI) and other connected matters decided on 17.11.2002. In the case of Shakti Singh (supra) the punishment imposed upon him reads as under:

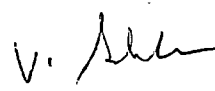
"The charge levelled against Inspr. Shakti Singh, No.D-I/231 is fully proved...Thus, the pay of Inspr. Shakti Singh, No.D-I/231 is reduced by five stages from Rs.2525/- to Rs.2100/- in the time scale of pay for a period of five years. He will not earn increment of pay during the period of reduction and on the expiry of this period, the reduction will have the effect of postponing his future increments of pay"

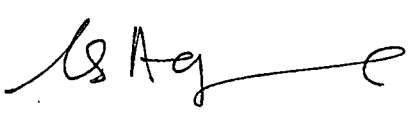
6. The Delhi High Court in its judgement opined that the matter should be remitted back to the disciplinary authority for imposition of punishment on the applicant in terms of its judgement.

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7. Accordingly, keeping in view the similarity in reasoning of the disciplinary authority's order in the present case and the decision in the case of Shakti Singh (supra), we allow the present application and quash the impugned orders. The matter is remitted back to the disciplinary authority who may, in accordance with law, pass appropriate orders after picking up the loose threads pertaining to the penalty to be awarded to the applicant. The said exercise preferably should be done within six months from the date of receipt of a copy of this order.

8. By way of abundant caution, we make it clear that nothing said herein shall be taken as an expression of opinion on merits of the matter or other pleas that may be or have been taken on behalf of the applicant or the respondents.


(V. Srikantan)
Member(A)


(V. S. Aggarwal)
Chairman

/gtv/