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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.784/2002

This the 31st day of January, 2003

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

Constable Ganga Singh
38/4, Uri Enclave
Delhi Cantt., New Delhi

.. Applicant

(By Advocate : Mrs. Meenu Mainee)

Versus

Union of India, through

- | | |
|---|---|
| 1. Secretary
Ministry of Home Affairs
North Block, New Delhi | 3. Addl. Commissioner of Police
Armed Police, New Police Lines
Kingsway Camp, Delhi |
| 2. Commissioner of Police
Police Hqrs., IP Estate
MSO Building, New Delhi | 4. Dy. Commissioner of Police
1st Bn, D.A.P. New Police Lines
Kingsway Camp, Delhi |
- .. Respondents

(By Advocate: Mrs. Sumedha Sharma)

ORDER (ORAL)

Shri Justice V.S. Aggarwal, Chairman :

Applicant is a Constable in Delhi Police. Disciplinary proceedings had been initiated against him. On 28.3.2000, the Deputy Commissioner of Police had imposed the following punishment on the applicant:-

"I, A.A. Siddiqui, DCP/1st Bn.DAP, Delhi therefore, take a considered view and award a punishment of forfeiture of two years approved service permanently for a period of 2 years to Const. Ganga Singh. No.459/DAP entailing reduction in his pay from Rs.3650/- to Rs.3500/- P.M. in the time scale of pay with immediate effect. He will not earn increment of pay during the period of reduction and on the expiry of the period the reduction will have the effect in post-poning the future increment of pay. His suspension period from 22.10.1999 to 10.11.1999 is decided as not spent on duty. His above noted absence period is also decided as dies non on the principle of no work no pay as per FR-17-A."



2. The appeal preferred by the applicant had been dismissed by the Additional Commissioner of Police on 18.8.2000. Aggrieved by the same, the applicant has filed the present application.

3. On merits of the present case number of pleas have been taken. However, learned proxy counsel appearing on behalf of the applicant's counsel states that the punishment, which was imposed does not stand scrutiny because it is not passed in accordance with the decision rendered by the Delhi High Court in the case of Shakti Singh Vs. Union of India (CWP No.2368/2000 with other connected cases) decided on 17.9.2002. In the matter before the Delhi High Court, the punishment order reads as under:-

"The charge levelled against Inspr. Shakti Singh, No.D-1/231 is fully proved...
... Thus, the pay of Inspr. Shakti Singh, No.D-1/231 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 increments of pay."

4. The Delhi High Court quoting Rule 8 (d) of the Delhi Police (Punishment & Appeal) Rules, 1980, held that either punishment or reduction in pay could be directed or increment or increments could be stopped permanently or temporarily. But both the orders cannot be passed together. In the present case, the said order has been passed together.

5. In that view of the matter and in view of the decision in Shakti Singh (supra), without dwelling




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into other aspects of the merits of the present case, we remit the matter back to the Deputy Commissioner of Police, who from the stage the order imposing the penalty referred to above, may pass a fresh order in accordance with the decision in Shakti Singh (supra).

6. Accordingly, the impugned orders are quashed with liberty to the Deputy Commissioner of Police to pass a fresh order as referred to above.

7. By way of abundant caution, it is made clear that noting said herein should be taken as an expression of opinion on the merits of the present case or other pleas that the applicant may like to raise.

8. Subject to aforesaid, the present OA is disposed of.


(Shankar Prasad)
Member(A)


(V.S. Aggarwal)
Chairman

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