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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.24/2002

New Delhi, this the 27th day of February, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri C.S. Chadha, Member (A)

Constable Gobind Singh No.4522/DAP,
S/o Shri Ram Singh, aged 30 years,
R/o 482, Police Colony Narela, Delhi
Presently posted in 5th Bn., DAP, Delhi.
.....Applicant
(By Advocate : Shri Sachin Chauhan)

Versus

1. Union of India,
Through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Joint Commissioner of Police,
Traffic,
Police Headquarters, I.P. Estate,
M.S.O. Building, New Delhi.
3. Dy. Commissioner of Police,
5th Bn., D.A.P.,
New Police Lines, Kingsway Camp,
Delhi.Respondents

(By Advocate : Mrs. Jasmine Ahmed)

ORDER (Oral)

By Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

Heard Shri Sachin Chauhan, learned counsel for
the applicant and Mrs. Jasmine Ahmed, learned counsel
for the respondents.

2. In this application, the applicant has
impugned the action taken by the respondents in the
disciplinary proceedings held against him and in which
they have passed the major penalty order of forfeiture
of five years approved service permanently with
immediate effect. This has resulted in reduction of
his pay from the stage of Rs.3425/- P.M. to Rs.3050/-
P.M. for a period of five years. During this period,
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the applicant will not earn increments of pay and on the expiry of that period, the reduction will have the effect of postponing his future increments. The disciplinary authority has passed this order on 25.9.2000 which has been upheld by the appellate authority vide his order dated 16.8.2001.

3. In view of the aforesaid penalty orders passed by the disciplinary authority and the appellate authority, the learned counsel for the applicant has taken a ground relying on the judgement of the Hon'ble High Court in the Shakti Singh Vs. Union of India & Ors. in CWP No.2368/2000 (2002 VII AD (DELHI) 529), with other connected matters, decided on 17.9.2002 that the penalty orders should be set aside. In Shakti Singh's case (supra), the High Court has held that having regard to the provisions of Rule 8 (d) (ii) of the Delhi Police (Punishment & Appeal) Rules, 1980, the penalty of the nature imposed on the applicant therein is multiple, as there has been forfeiture of approved service, reduction in pay and during the said period, he will also not earn any increment. The High Court has also expressed a view on the decision of the Full Bench of the Tribunal in the case of A.S.I. - Chander Pal No.809/Dv. Delhi Administration & Anr. (O.A. No.2225/1993) which was decided on 18.5.1999 that the same was not in accordance with law, i.e., certain judgements of the Hon'ble Supreme Court referred to in that judgement. In the circumstances, the High Court had remitted the

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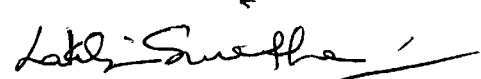
case to the disciplinary authority for imposing a punishment in accordance with their observations.

4. The judgement of the High Court in Shakti Singh's case (supra) is fully applicable to the facts of the present case as the penalty orders have been passed by the respondents under Rule 8 (d) (ii) of the Delhi Police (Punishment & Appeal) Rules, 1980. In this view of the matter, we are not expressing any opinion on the other grounds taken by the applicant in the OA which have also not been pressed by learned counsel.

5. In the circumstances of the case, the impugned orders dated 25.9.2000 of the disciplinary authority and 16.8.2001 of the appellate authority are quashed and set aside. The case of the applicant is accordingly remitted to the disciplinary authority to pass an appropriate order, keeping in view the judgement of the Hon'ble High Court in Shakti Singh's case (supra). This exercise shall be done within two months from the date of receipt of a copy of this order with intimation to the applicant.

No order as to costs.


(C.S. Chaudha)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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