

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2704/2002

New Delhi. this the 24th day of July, 2003

Hon'ble Smt. Lakshmi Swaminathan, VC (J)  
Hon'ble Sh. S.K.Naik, Member (A)

8

Head Constable Hari Narayan No.2502/PCR  
S/o Tunda Ram Meena  
R/o Village & P.O. - Dhanawarh  
P.S.Kolwa, District Dousa  
Rajasthan.

...Applicant  
(By Advocate Sh. Sachin Chauhan)

V E R S U S

Union of India through

1. Its Secretary  
Ministry of Home Affairs  
North Block, New Delhi.
2. Addl. Commissioner of Police,  
P.C.R. & Communication  
Police Headquarters, I.P.Estate  
M.S.O.Building, New Delhi.
3. Dy. Commissioner of Police  
Police Control Room  
Sarai Rohilla, Delhi.

...Respondents

(By Advocate Mrs. Jasmine Ahmed)

O R D E R (ORAL)

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

Heard both the learned counsel for the parties.

2. The applicant has impugned the penalty orders issued by the respondents dated 27-7-2001 passed by the disciplinary authority and the appellate authority's order dated 13-5-2002, by which an order of dismissal has been imposed on him. These orders have been passed by the respondents after holding disciplinary proceedings against the applicant under the provisions of the Delhi Police Act, 1978.

- 21 -

3. We have heard Sh. Sachin Chauhan, learned counsel for the applicant and Mrs. Jasmine Ahmed, learned counsel for the respondents.

(9)

4. Learned counsel for the applicant has submitted a copy of Tribunal's order dated 31-3-2003 in two OAs, namely, Mahipal Vs. UOI & Ors. (OA 1380/2002) and Paras Ram Vs. UOI & Ors. (OA 1399/2002), copy placed on record. He has submitted that the charges against those applicants in the OAs which have been disposed of by <sup>13</sup> the order dated 31-3-2003 and the charges in the present case are identical. The applicants had been dealt with in common Departmental proceedings and the aforesaid penalty orders have also been passed by a common order. These facts are not controverted by the learned counsel for the respondents.

5. We also note from disciplinary authority's order dated 27-7-2001 in the present case, that Head Constable Paras Ram (Applicant in OA 1399/2002) and Constable Mahipal Singh (Applicant in OA 1380/2002) along with the applicant in the present case have been dismissed from service by a common order. The appellate authority has also passed a common order vide order dated 13-5-2002 dismissing the joint appeals submitted by the aforesaid three applicants.

6. We, therefore, <sup>are</sup> satisfied that the same order that has been passed on 31-3-2003 in the above

two OAs would also apply to the facts in the present case.

(10)

7. In the result for the reasons given above, the impugned orders passed by the disciplinary authority and appellate authority are quashed and set aside for non-compliance of statutory provisions contained in Rule 15 (2) of Delhi Police (Punishment & Appeal) Rules, 1980. We make it clear that we have not expressed any opinion on the other points raised by the applicants on the merits of the case. Liberty is granted to the respondents to proceed in the matter in accordance with law.

8. OA is disposed of as above. No order as to costs.

Naik

(S.K.Naik)  
Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)  
Vice-Chairman (J)

/vks/