

Central Administrative Tribunal, Principal Bench

Original Application No. 1279 of 2002

New Delhi, this the 22nd day of July, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.K. Naik, Member (A)

Karan Chand,  
S/o Richh Pal  
R/o V.P.O. Prithla, Teh. Palwal  
Distt. Faridabad (Haryana)

.... Applicant

(By Advocate: Shri Ravikant, proxy for Shri Arun Bhardwaj)

Versus

1. Union of India  
Through Commissioner of Police  
Police Headquarters, I.P. Estate  
New Delhi
2. Addl. Commissioner of Police,  
PCR and Communication  
Police Headquarters, I.P. Estate  
New Delhi
3. Deputy Commissioner of Police,  
PCR,  
Delhi.

.... Respondents

(By Advocate: Mrs. Jasmine Ahmed)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

Applicant had faced disciplinary proceedings and the disciplinary authority had imposed the following penalty on him:

"And, therefore, I Dr.M. Ponnaian IPS, DCP, PCR, Delhi hereby accept the findings of the E.O. entirely and absolutely and in the interest of natural justice and fair play hereby order that the pay of HC Karan Chand, No.1013/PCR be reduced by 10 stages from Rs.4220/p.m. to Rs.3370/- p.m. The pay of HC Lurku Oraon No.1460/PCR be reduced by I.O. stage from Rs.4390/- p.m. and the pay of Ct. (Dvr.) Sri Pal, No.4383/PCR be reduced by 10 stages from a period of 10 years with immediate effect. It is further directed that they will not earn increment of pay during the period of reduction and that on the expiry of this period the reduction will have the effect of postponing their future increments of pay."

2. Without dwelling into any other question, learned

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counsel for the applicant contends that the penalty imposed is a dual penalty violative of Rule 8(d)(ii) of Delhi Police (Punishment and Appeal) Rules.

3. In support of his claim, he relies upon the decision rendered by the Delhi High Court in the case of Shakti Singh vs. Union of India (C.W.P.No.2368/2000) decided on 17.9.2002 wherein while construing Rule 8(d)(ii) of Delhi Police (Punishment and Appeal) Rules, the Delhi High Court held:

"Rule 8(d)(ii) of the said Rules is disjunctive in nature. It employ the word 'or' and not 'and'.

Pursuant to and/or in furtherance of the said Rules, either reduction in pay may be directed or increment or increments, which may again either permanent or temporary in nature be directed to be deferred. Both orders cannot be passed together.

Rule 8(d)(ii) of the said Rules is a penal provision. It, therefore, must be strictly construed.

The words of the statute, as is well known, shall be understood in their ordinary or popular sense. Sentences are required to be construed according to their grammatical meaning. Rule of interpretation may be taken recourse to, unless the plain language used gives rise to an absurdity or unless there is something in the context or in the object of the statute to suggest the contrary.

Keeping in view the aforementioned basic principles in mind, the said rule is required to be interpreted."

4. It is not in controversy that when the present matter is examined in the light of the decision of the Delhi High Court, the penalty imposed would be violative of Rule 8(d)(ii) of the rules referred to above.

5. Resultantly, we quash the orders passed by the

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disciplinary as well as appellate authority directing the disciplinary authority to pass a fresh order in accordance with law from the stage the impugned order had been passed. Nothing said herein can be taken as an expression of opinion on the other contentions of the applicant.

Naik  
( S.K. Naik )  
Member (A) .

Aggarwal  
( V.S. Aggarwal )  
Chairman.

/dkm/