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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 10/2002

New Delhi this the 10th day of December, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V.K. Majotra, Member (A)

Constable Manbir Singh
No. 1343/DAP. S/O Shri
Hum Singh R/O B-64, Tikri Extension
near Khan Pur, Delhi-62

.. 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, Northern Range, Police Headquarters, I.P.Estate, MSO Building, New Delhi.
3. Addl. Dy. Commissioner of Police, North West District, Delhi.

.. Respondents

(By Advocate Shri Ajesh Luthra)

O R D E R (ORAL)

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

In this application, the applicant has impugned the penalty orders issued by the respondents against him, namely, order dated 16.5.2000 forfeiting two years of service, against which his appeal has been rejected by the appellate authority by order dated 7.1.2001.

2. The charge against the applicant as well as two other persons, namely, Head Constable Shri Ram Roop and Constable Pratap Singh is alleged misconduct, as mentioned in the chargesheet dated 3.2.99 (Annexure A 5). Shri Sachin Chauhan, learned counsel for the applicant has

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drawn our attention to the order of the Tribunal in the connected case filed by Head Constable Shri Ram Roop (OA 1803/2001) and Constable Pratap Singh (OA 2077/2001) which was disposed of by a common order dated 15.4.2002, copy placed at annexure R 1 to the rejoinder, in which one of us (Shri V.K.Majotra, Member (A)) was also a Member.

3. In the above facts and circumstances of the case, learned counsel for the applicant has submitted that since the proceedings in the enquiry and subsequent punishment orders passed against the applicant in the aforesaid two cases have been quashed and set aside by Tribunal's order dated 15.4.2002, the same is fully applicable to the facts in the present case. He has, therefore, prayed that a similar order may be issued to quash and set aside the impugned penalty orders forfeiting applicant's two years service and reducing his pay with all consequential benefits.

4. It is not disputed by the learned counsel for the respondents that the order of the Tribunal dated 15.4.2002 in OA 1803/2001 and OA 2077/2001 has been implemented by them with regard to ^{the} other two applicants. It is ~~also~~ seen that the applicant in the present case has also been dealt with in the same enquiry proceedings.

5. In view of what has been stated above and following the aforesaid judgement of the Tribunal dated 15.4.2002, OA succeeds and is allowed. The impugned penalty orders dated 16.5.2000 and 17.1.2001 are quashed

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and set aside. The respondents shall grant consequential benefits to the applicant in accordance with law, rules and instructions within a period of two months from the date of receipt of a copy of this order. No order as to costs.

V.K.Majotra

(V.K.Majotra)
Member (A)

Lakshmi Swaminathan

(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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