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Central Administrative Tribunal
Principal Bench
OA 815/2002

New Delhi, this the 9th day of December, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M.P. Singh, Member (A)

Ramesh Kumar
1183/PCR
Rose Bud PCR Line
Delhi 110084.

.... Applicant.

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Additional Commissioner of Police
PCR & Communication
Delhi.
2. Deputy Commissioner of Police
PCR & Communication
Delhi.

.... Respondents

(By Advocate: Shri George Paracken)

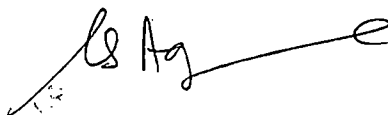
ORDER(Oral)

By Justice Shri V.S. Aggarwal, Chairman

The applicant so faced disciplinary proceedings and the Deputy Commissioner of Police had passed the following order:

.... vide which three years approved service of the applicant has been forfeited permanently for a period of three years and accordingly the pay was reduced from Rs. 4305/- p.m. to Rs. 4050/- p.m. Further the applicant will not earn increment during the period of reduction and on the expiry of this period the reduction will have the effect of postponing his future increment.

The appeal file by the applicant was dismissed. Our attention is drawn towards the decision of the Delhi High Court in CWP No. 2368 of 2000 in Shakti Singh Vs. Union of India & Ors. decided on 3.09.2002. In the case of Shakti Singh (Supra) the punishment awarded was as follows:

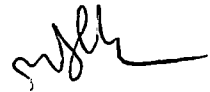



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"The charge levelled against Inspr. Shakti Singh, No.D-1/231 is fully proved....
.... Thus, the pay of Inspr. Shakti Singh, No.D-I/231 is reduced by five stages from Rs. 2525/- to Rs.2100/- in the time scale of pay for a period of five years. He will 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 future increments of pay."

Delhi High Court while construing Delhi Police (Punishment and Appeal) Rule i.e. Rule 8 held it to be double punishment. Identical is the position here. Once it is so, we following the decision of Shakti Singh Vs. Union of India and Ors. (Supra) quash the impugned order. It is directed that DCP concerned will pick up the loose threads and from the stage where the punishment order had been passed, in terms of the decision of Shakti Singh Vs. Union of India and Ors. pass a fresh order as may be deemed fit. This exercise may be taken at the earliest preferably within 6 months.

By way of abundance ^{to caution} ~~decision~~ we may deem it necessary to mention that nothing said here is any expression of opinion on merits of the matter.


(M.P. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

/shyam/