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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

CP-62/2004 in  
OA-3282/2002

New Delhi this the 12th day of April, 2004.

Hon'ble Sh. Shanker Raju, Member(J)  
Hon'ble Sh. R.K. Upadhyaya, Member(A)

Malvinder Singh,  
S/o Sh. Makhan Singh,  
H.No.381, Gali No2,  
Pachipitha Road,  
Baba Colony,  
Burari, Delhi. .... Petitioner  
(through Ms. Nandita Rao, Advocate)  
Versus

1. Dr. K.K. Paul,  
Commissioner of Police,  
Delhi Police,  
Police Headquarters,  
ITO, New Delhi.
2. Sh. R.S. Gupta,  
Commissioner of Police,  
Delhi Police(May03-Dec 03),  
Police Headquarters,  
ITO, New Delhi.
3. Sh. Deepchand,  
Joint Commissioner of Police,  
Prov.&Logistics Delhi,  
Police Headquarters,  
ITO, New Delhi.
4. Sh. Sanjay Beriwal,  
DCP, North District,  
Police Station Civil Lines,  
New Delhi. .... Respondents  
(through Sh. Ajesh Luthra, Advocate)

ORDER (ORAL)  
Hon'ble Sh. Shanker Raju, Member(J)

By an order dated 30.5.2003 on account of acquittal of the applicant in appeal by the High Court of Delhi directions have been issued to reinstate the applicant with liberty to the respondents to take appropriate action in accordance with law. CWP preferred against the applicant was also dismissed. This resulted in compliance by an order dated 23.2.2004 wherein the applicant was reinstated with immediate effect. However, the intervening period

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from the date of dismissal from service to the date of reinstatement was to be decided in accordance with law after the culmination of the D.E. proceedings.

Learned counsel for the respondents contends that as per Rule 11(2) of the Delhi Police (Punishment & Appeal) Rules, 1980 on acquittal a person has to be reinstated from the date of dismissal. Learned counsel submits that the applicant has been denied the back wages.

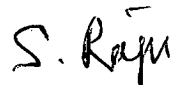
After careful consideration, we are of the considered view that Rule 11(2) of the Delhi Police (Punishment & Appeal) Rules, 1980 provides that if a person is acquitted, he has to be reinstated from the date of dismissal or removal. As the applicant has been denied wages upto 30.5.2003, however, in view of deemed suspension from the date of dismissal the applicant would also be entitled to the subsistence allowance from 31.5.2003 till date. The respondents shall consider the above observation and would pass a fresh order within 3 weeks.

Prayer for costs is rejected.

In view of the above, CP-62/2004 is disposed of. Notices issued to the alleged contemners are discharged.



(R.K. Upadhyaya)  
Member(A)



(Shanker Raju)  
Member(J)