

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2907/2002

This the 27th day of May, 2003

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Ramesh Chand
HC in Delhi Police,
(PIS No.28790167)
R/o H.No.10, Om Vihar
Phase I-A, Uttam Nagar,
New Delhi.

(By Advocate: Sh. Anil Singhal)

Versus

1. Jt. Comm. of Police,
(Southern Range), PHQ,
IP Estate, New Delhi.
2. DCP (West Dist.)
PS Rajouri Garden, New Delhi.

(ASI Dharam Pal Singh, departmental representative)

ORDER (ORAL)

By Sh. V.K. Majotra, Member (A)

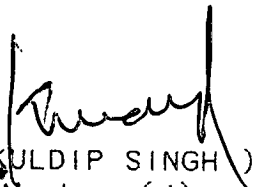
Applicant has assailed punishment of forfeiture of 5 years approved service of the applicant for 5 years with immediate effect. His pay has been reduced by five stages from Rs.4305/-p.m. to Rs.3880/- p.m. It has been further directed that during the period of such reduction he will not earn increments of pay and after expiry of this period, the reduction will have effect of postponing his future increments of pay. The orders have been upheld in appeal.

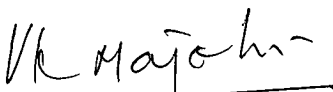
2. Counsel of the applicant has contended before us that the punishment awarded to the applicant in the disciplinary proceedings against him is in violation of provisions of Rule 8 (d)(ii) of Delhi Police (Punishment & Appeal) Rules, 1980 and as such this order of punishment is liable to be set aside/quashed. He drew support from the case of Shakti Singh

vs. Union of India decided by the Hon'ble High Court in CWP
No.2368/2000.

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3. In the absence of the learned counsel of the respondents, we have considered the case in terms of Rule 16 of the CAT (Procedure) Rules, 1987. In the present case, besides other grounds, the main ground raised for consideration in the OA is regarding dual punishment in violation of Rule 8 (d)(ii) ibid. In our considered view while it is not necessary to dwell upon other grounds, this case is indeed hit by the ratio in the case of Shakti Singh (supra). Accordingly, the orders of punishment dated 21.11.2001 and 19.8.2002, Annexure A-2 and A-3, are quashed and set aside. The case is remitted to the Disciplinary Authority for fresh consideration of the case in terms of law, rules and instructions within a period of 3 months from the date of receipt of a copy of this order.


(KULDIP SINGH)
Member (J)


(V.K. MAJOTRA)
Member (A)

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