

Central Administrative Tribunal, Principal Bench

Original Application No.2634 of 2002

New Delhi, this the 26th day of May, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Govindan S. Tampi, Member (A)

HC Laxmi Chand
(PIS No.28740721)
R/o 482/31, Ashok Vihar
Mahlana Road,
Sonipat, Haryana

.... Applicant

(By Advocate: Shri S.K. Gupta, proxy for Shri Anil Singal)

Versus

1. Jt. Commissioner of Police
(Northern Range), PHQ
IP Estate, New Delhi

2. DCP (North Dist.)
Civil Lines, Delhi

.... Respondents

(By Advocate: Mrs. Renu George)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

Applicant is a Head-Constable in Delhi Police. Departmental proceedings had been initiated against him. The disciplinary authority on 17.3.2002 had imposed the following penalty on the applicant:

"Hence I find no merit in their contention & award them a punishment of forfeiture of their 4 years approved service permanently for a period of 4 years approved service permanently for a period of 4 years entailing reduction in the pay of defaulter HC Laxmi Chand, No. 77/N from Rs.4050/- P.M. to Rs.3710 P.M. in the time scale of pay Rs.3200/85-4900. The defaulter Constable Sheel Bahadur is under going a major penalty of forfeiture of his two years of approved service temporarily entailing reduction in his pay from Rs.3575/- P.M. to Rs.3425/- P.M. w.e.f. 13.9.2001. In this case his pay is hereby reduced from Rs.3425/- P.M. to Rs.3125/- P.M. with immediate effect. Both the punishment of defaulter Constable Sheel Bahadur, No.736/N (now 593/N) will run concurrently. They will not earn increments of pay during the period of reduction and after the expiry of the penalty period the reduction will have the effect of postponing of their future increments of pay. The suspension period of defaulter H.C. Laxmi Chand, No.77/N from 6.6.95 to 12.2.2001 and the suspension period of defaulter

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Constable Sheel Bahadur, No.736/N (now 593/N) from 6.6.95 to 7.12.98 are hereby decided as period not spent on duty for all intents and purposes."

2. The appeal has since been dismissed. Hence the present application.

3. Bereft of other pleas, our attention has been drawn to the fact and it is contended that the order of penalty violates Rule 8(d)(ii) of Delhi Police (Punishment and Appeal) Rules, 1980. Reliance is placed on a decision of 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. Therein while construing Rule 8(d)(ii) of the Rules referred to above, it was 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. Identical is the position herein. Resultantly there is little option and accordingly we hold that the penalty imposed violates Rule 8(d)(ii) of Delhi Police

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(Punishment and Appeal) Rules.

5. Resultantly we quash the impugned order and remit the case back to the disciplinary authority for re-considering the matter from the stage the penalty order was passed and if deemed appropriate, pass a fresh order. O.A. is disposed of.

(Govindan S. Tampi)
Member (A)

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(V.S. Aggarwal)
Chairman

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