

Central Administrative Tribunal, Principal Bench

Original Application No.2784 of 2002

New Delhi, this the 25th day of April, 2003

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

HC Rohtash Singh,
(PIS No.28823616)
R/o C-92, Amar Colony,
Kamrrudin Nagar,
Nagloi, Delhi-41

.... Applicant

(By Advocate: Shri Anil Singal)

Versus

1. Commissioner of Police,
Police Head Quarters
IP Estate, New Delhi
2. Joint Commissioner of Police
(Traffic) PHQ
IP Estate, New Delhi
3. DCP (Traffic)
Police Headquarters
IP Estate, New Delhi

.... Respondents

(By Advocate: Shri Vimal Rathi, proxy for Shri Rajan Sharma)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant Rohtash Singh is a Head Constable in Delhi Police. In pursuance of the disciplinary proceedings that were initiated against him, the disciplinary authority had imposed the following penalty:-

"I award penalty of forfeiture of one year approved service permanently upon Ct. Narender Kumar, No.915/T for a period of one year entailing reduction in his pay by one stage from Rs.3725/- to Rs.3650/- in the time scale of pay. Two years approved service of Ct. Shyam Sunder, No.302-T forfeited permanently for a period of two years entailing reduction in his pay by two stages from Rs.3500/- to Rs.3350/- in the time scale of pay for collecting the unaccounted money and being found in possession of signed Rs.100/- note. Three years approved service forfeited permanently to both HCs Suraj Bhan, No.174/T and HC Rohtash Singh, 50/T for a period of three years for leading subordinates for such undesirable

CS Ag

6

activities and setting a bad example and lowering the prestige of the organisation and against their code of conduct entailing reduction in their pay by three stages from Rs.4560/- to Rs.4305/- and from Rs.4135/- to Rs.3880/- respectively. They 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 their future increments of pay."

The appeal filed by the applicant has since been dismissed.

2. During the course of submissions, the applicant relied upon the decision of the Delhi High Court in the case of Shakti Singh vs. Union of India and others (C.W.P.No.2368/2000) decided on 17.9.2002 and contended that in the present case also, the penalty imposed would be in violation of Rule 8(d)(ii) of the Delhi Police (Punishment and Appeal) Rules, 1980.

3. When the present matter is examined on the touch-stone of the decision rendered in the case of Shakti Singh (supra), we have little hesitation in accepting the argument of the learned counsel. In the case of Shakti Singh (supra), the Delhi High Court was construing rule 8(d)(ii) of the Rules referred to above and 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,

UAg

7

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 indeed is the position herein. Therefore, we have little option but to accept the said contention that the penalty awarded is violative of rule 8(d)(ii) of the Rules referred to above.

5. Resultantly we quash the impugned orders and remit the matter back to the disciplinary authority with the direction that from the stage the order in question dated 17.2.2001 was passed, the disciplinary authority may pass a fresh order in accordance with law.

6. Keeping in view the abovesaid order, it becomes unnecessary for us to go into any other pleas that would be available to the applicant on the merits of the matter.

(Govindan S. Tampi)
Member (A)

(V.S. Aggarwal)
Chairman

/dkm/