

Central Administrative Tribunal
Principal Bench, New Delhi

MA No.230/2020
In OA No. 2692/2015

New Delhi, this the 20th day of January, 2020

Hon'ble Mr. S.N.Terdal, Member (Judicial)
Hon'ble Mr.Mohd. Jamshed, Member (Administrative)

Constable (Exe) Rajbir
S/o Sh. Chhote Lal
R/o House No. 20 C, New Hira Park,
Jajafgarh, Delhi
Group 'C, Aged -53 yrs. -Applicant

(By Advocate: Mr. Sourabh Ahuja)

Versus

1. GNCT of Delhi
Through
Its Commissioner of Police
PHQ, IP Estate
New Delhi-110002
2. Joint Commissioner of Police
Northern Range,
Through Commissioner of Police
PHQ, IP Estate
New Delhi-110002.
3. Deputy Commissioner of Police/Additional DCP
(Outer District)
Through Commissioner of Police
PHQ, IP Estate
New Delhi-110002
4. Special Commissioner of Police (Vigilance)
Police Head Quarter,IP Estate,
New Delhi. -110002. - Respondents

(By Advocate: Ms.Ritika Chawla)

ORDER (ORAL)

By Hon'ble Mr. S.N. Terdal, Member(J):-

MA-230/2020 is allowed as the both counsels are ready to final disposal of the matter and the matter was taken up for final hearing.

2. Heard Mr. Sourabh Ahuja, learned counsel for the applicant and Ms.Ritika Chawla, learned counsel for the respondents as well.

3. The relief(s) prayed in this OA are as under:-

a) Quash and set aside the impugned orders (disagreement note dated 17.09.2011, penalty order dated 18.10.2011, appellate authority orders dated 12.03.2014 and communication memo dated 30.11.2011) referred in para-1 of the OA. And

b) Direct the respondents to restore the forfeited service of the Applicant along with all consequential benefits including Promotion/Seniority, difference in pay etc. And.

(c) Direct the respondents to treat the suspension period of the applicant (w.e.f. 15.02.2009 to 29.07.2009) as spent on duty for all intents and purposes with all consequential benefits viz difference in salary etc. And

d) Direct the respondents to remove the name of the Applicant from the secret list of doubtful integrity since its inception i.e. w.e.f. 18.10.2011. And

e) Award cost in favour of the Applicants and against the respondents. And/ or

f) Pass any further order, which this Hon'ble Tribunal may deem fit, just equitable in the facts and circumstances of the case.

4. At the time of hearing, learned counsel for both parties admit that the applicant was subjected to joint inquiry alongwith constable Raj Kumar and in the case of Applicant as well as Raj Kumar, a joint disagreement note dated 17.09.2011 was

issued. In the said case of Raj Kumar by order dated 18.12.2019 passed in OA No.2463/2015 (**Constable Exe.Raj Kumar vs. GNCT of Delhi & Ors**), the Tribunal set aside the disagreement note and consequential orders of the Disciplinary Authority dated 08.10.2011 and the Appellate Authority dated 12.03.2014 but however with liberty to the respondents to take action including issuing disagreement note as per the law.

5. As the applicant's case in present OA is identical in nature as to the case of Raj Kumar (supra), the said disagreement note dated 17.09.2011 is set aside and consequent orders of the Disciplinary Authority 18.10.2011 and Appellate Authority dated 12.03.2014 are set aside but however with liberty to the respondents to take action including issuing the disagreement note as per the law. The OA is disposed of accordingly. No order as to the costs.

(Mohd. Jamshed)
Member(A)

(S.N. Terdal)
Member (J)

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