



**Central Administrative Tribunal
Principal Bench**

OA No. 3438/2014

New Delhi, this the 5th day of March, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Constable Rahul,
Ct. No.1466/SD, Age 34
Distt./Line/South,
New Delhi

- Applicant

(By Advocate: Ms. Sriparna Chatterjee)

VERSUS

1. The Commissioner of Police,
PHQ, MSO Building,
IP Estate, New Delhi
 2. The Deputy Commissioner of Police,
South District, New Delhi
 3. The Joint Commissioner of Police,
South Eastern Range, New Delhi
- Respondents

(By Advocate: Shri Amit Anand)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

We come across, a typical situation in this O.A. The brief facts are as under:

2. The applicant is a Constable in Delhi Police. Himself and four others, namely, SI. Dhirender, HC Rajesh Kumar, HC Sushil



Sharma and Ct. Sohan Bir Singh, were subjected to disciplinary proceedings on the same allegations. It was to the effect that the Deputy Director of Municipal Corporation of Delhi visited a meat shop on 04.09.2012, and when he found that in a shop being run by one Md. Nadeem alias Kale and his brother Md. Mobeen alias Chander, cow meat was being sold, he and his team have informed the Police on telephone No.100. It was stated though Nadeem and two workers escaped, they retained the custody of Nadeem and went to the police station to handover him. They alleged that Md. Nadeem was permitted to escape by the Police, and he was forced to mention in the complaint that Md. Nadeem escaped.

3. The Deputy Director submitted a complaint against the five police officials and that in turn gave rise to initiation of disciplinary proceedings with a charge. The Inquiry Officer (IO) submitted a report, holding that the charge is proved against all the five officials and the Disciplinary Authority (DA) passed order dated 13.06.2013, imposing the punishment of forfeiture of one year approved service temporarily for a period of one year. The applicant filed the present OA whereas, others filed OA Nos. 3436/2014 – SI Dhirender, 3475/2004 - HC Sushil Sharma, 1342/2014 – HC Rajesh Kumar and 3437/2014 – Ct. Sohan Bir Singh . The present OA and other three OAs being 1342/2014, 3437/2014 & 3475/2014 were dismissed by different Benches of this Tribunal.



4. OA No. 3436/2014 was heard by a different Bench, comprising of one of us (Chairman). It was partly allowed on 09.01.2020.

5. The applicant filed WP(C) No. 592/2020 before the Hon'ble High Court of Delhi. The Writ Petition was allowed on 16.01.2020 and the matter was remanded for fresh adjudication. Thus, it is listed before us for hearing.

6. We heard Mrs. Sriparna Chatterjee, learned counsel for the applicant and Shri Amit Anand, learned counsel for the respondents.

7. We dealt with the matter in detail in OA No. 3436/2014. The charge memo in that OA and the one, in the present OA, were common. We have carefully examined the entire record, and verified whether there are any serious differentiating factors which compel us to take a different view in this OA.

8. It is no doubt true that the applicant in OA No. 3436/2014 was a trainee Sub-Inspector, and the applicant herein is a Constable. The fact, however, remains that the main allegation was against the Sub Inspector, and the applicant, who is only a Constable, hardly has any role to play in the context of registration



of FIR or any other matter. The Bench expressed the view that the case presented by the Deputy Director of SDMC was itself not so succinct and was equivocal in nature.

9. Having regard to the facts and circumstances, we grant the same relief, as was granted in O.A. No. 3436/2014. We accordingly partly allow the OA and modify the punishment to the one of 'censure', not referable to any act of moral turpitude. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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