

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1667/2001

New Delhi this the 11th day of July, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M.P.SINGH, MEMBER (A)

Makhan Singh
Inspector, Anti Corruption Branch
Room No.178-1894, Old Sectt.
Delhi-110054.

... Applicant

(By Shri V.P.Trikha, Advocate)

-versus-

1. The Commissioner of Police
Police Head Quarters
I.P.Estate
New Delhi.-110002.
 2. The Addl.Commissioner of Police
Anti-corruption Branch
Rooms No.178-184, Old Sectt.
Delhi-110054.
 3. The Dy.Commissioner of Police (West District)
Police Station Rajouri Garden
New Delhi.
 4. The Dy.Commissioner of Police
Anti Corruption Branch
Rooms No.178-184, Old Sectt.
Delhi-110054.
- ... Respondents.

O R D E R (ORAL)

Shri Justice Ashok Agarwal:-

By the present OA, applicant seeks to impugn an order passed by the Additional Commissioner of Police, Anti Corruption Branch, Delhi being the appellate authority passed on 2.5.2001 at Annexure 'C' whereby the penalty of censure awarded to him in disciplinary proceedings conducted against him is set aside and the case is remitted back to the disciplinary authority for de novo proceedings.

2. Short facts which have led to the filing of the OA are as follows:-

On 23.2.1998, a show cause notice for imposition of the penalty of censure was issued to the applicant by the Deputy Commissioner of Police, West Distt. New Delhi under whom he was at the relevant time serving as Inspector of Delhi Police. Applicant submitted his reply on 18.3.1998. Applicant, in the meanwhile, was transferred from the West Distt., to PCR and thereafter to the Anti Corruption Branch. By an order passed on 31.1.2001 at Annexure 'A' by the Deputy Commissioner of Police Anti Corruption Branch, Delhi being the disciplinary authority to whom the applicant had been transferred issued an order of penalty of censure. Being aggrieved by the same, applicant submitted an appeal to the Additional Commissioner of Police, Anti Corruption Branch, being the appellate authority. By the impugned order passed by the aforesaid appellate authority, aforesaid appeal of the applicant has been allowed. The punishment of censure awarded to him is set aside and the case is remitted back to the disciplinary authority for de novo proceedings. The remand has been directed in view of Rule 14(4) of the Delhi Police (Punishment & Appeal) Rules, 1980 which provides as under:-

"14(4) The disciplinary action shall be initiated by the competent authority under whose disciplinary control the police officer concerned is working at the time it is decided to initiate disciplinary action."

Aforesaid rule just requires the disciplinary action

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(2)

to be initiated by the competent authority under whose disciplinary control, the delinquent concerned was working at the time it was decided to initiate disciplinary action. Proceedings, it goes without saying, have been initiated by the Deputy Commissioner of Police West Distt, New Delhi who was an authority under whom the applicant was working at the time it was decided to initiate disciplinary action. Additional Commissioner of Police Anti Corruption Branch, Delhi, it appears, has been persuaded to hold that the order of penalty also ought to have been issued by the very same authority, i.e. the Deputy Commissioner of Police, West Distt., New Delhi. Be that as it may, Shri V.P. Trikha, learned advocate appearing in support of the OA, has made a statement that he on behalf of the applicant hereby accepts the penalty of censure imposed upon the applicant by the order of 31.1.2001 at Annexure 'A'. He is no longer interested in impugning the aforesaid order of the Additional Commissioner of Police Anti Corruption Branch, Delhi being the appellate authority. This statement he has made as on the applicant's accepting the order of censure, the same will come to an end on expiry of six months' from the date of the order i.e. with effect from 31.7.2001.

3. In view of the facts and circumstances of the case, we accept the statement and restore the aforesaid penalty of censure awarded by the order dated 31.1.2001 at Annexure 'A' and dispose of the present OA.

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4. It follows that in view of the applicant having accepted the order of censure, there will arise no necessity for de novo enquiry as directed by the impugned order ^{on} ~~at Annexure~~ 2.5.2001 at Annexure 'C'.

5. Present OA is disposed of in the aforestated terms.

(M.P. Singh)
Member (A)

(Ashok Agarwal)
Chairman

/sns/