

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1869/2001

This the 29th day of January, 2003

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

1. Const. Girender Kumar Sharma
S/O L.R.Sharma,
R/O Block-0/28, Sector 12,
Greater Budh Nagar, Noida.
2. Const. Vinod Kumar S/O C.R.Sharma,
R/O C-133, Ganesh Nagar,
Pandav Nagar Extension,
Delhi.

... Applicants

(By Shri Pradeep Dahiya for Shri Arun Bhardwaj, Adv.)

-versus-

1. Commissioner of Police,
P.H.Q., I.P.Estate,
I.T.O., M.S.O. Building,
New Delhi.
2. Dy. Commissioner of Police,
VII (8th) Bn. New Delhi.
3. Additional Commissioner of Police,
Armed Police, Delhi.

... Respondents

(By Ms. Sumedha Sharma, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

Arguments in this case were initially heard on 29.4.2002 and the orders were reserved. While dictating the order, it was noticed that whereas two applicants had jointly filed the OA and the impugned order passed by the disciplinary authority was a common order, the appellate order passed in respect of applicant Vinod Kumar only was on record, and the appellate order in respect of applicant Girender Kumar Sharma was not on record. On 3.5.2002, the learned counsel of applicant was informed

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about this fact. He explained that he had been under the impression that the appeal too had been decided by a common order. Later on, on being spoken to, the appellate order dated 26.7.2000 passed on the appeal of applicant Girender Kumar Sharma too was filed on his behalf.

2. In a joint disciplinary enquiry held against applicants by, a common order dated 31.8.1999 punishment of forfeiture of two years' approved service permanently for a period of five years, and forfeiture of one year's approved service permanently for a period of six years, were imposed upon applicant Constable Vinod Kumar and applicant Constable Girender Kumar Sharma, respectively. These punishments entailed reduction in their pay and it was also directed that they would not earn increments of pay during the period of reduction and that the reduction would have the effect of postponing their future increments of pay. Suspension periods were also ordered to be treated as those not spent on duty for all intents and purposes. Orders of the disciplinary authority dated 31.8.1999 were upheld by the appellate authority vide orders of 26.7.2000 passed separately in respect of both applicants. The punishment has been assailed, among others, on the ground of being multiple punishments which is illegal.

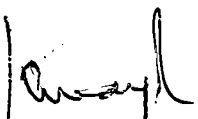
3. The kind of punishments inflicted upon applicants have been held to be illegal being multiple punishments by the Hon'ble High Court in C.W.P. No.2368/2000 : **Shakti Singh v Union of India**. The ratio


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in that case is fully applicable to the instant case. As such, orders of punishment dated 31.8.1999 and appellate orders dated 26.7.2000 are quashed and set aside with liberty to respondents to pass appropriate orders afresh as per law.

4. The OA is allowed in the above terms. No costs.


(Kuldip Singh)
Member (J)


(V. K. Majotra)
Member (A)

/as/