

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2013/2001

(12)

New Delhi this the 12th day of August, 2002.

Hon'ble Dr. A. Vedavalli, Member(J)
Hon'ble Sh. Govindan S. Tampi, Member(A)

Sh. Jagdish Chandra,
(D/908)
R/o F-4 PS Kalkaji,
New Delhi. Applicant

(through Sh. Shyam Babbu, Advocate)

Versus

1. Govt. of NCT of Delhi
through its Chief Secretary,
5, Sham Nath Marg,
Delhi.
2. Joint Commissioner of Police
(Operations)
Police Headquarters,
I.P. Estate,
New Delhi.
3. Commissioner of Police
Delhi, Police Headquarters,
I.P. Estate, New Delhi. Respondents

(through Sh. Ajay Gupta, Advocate)

ORDER (ORAL)
Hon'ble Dr. A. Vedavalli, Member(J)

Heard the learned counsel for both the parties.

2. The applicant Jagdish Chandra who is working as Sub-Inspector in Delhi Police is aggrieved by the penalty imposed upon him by the Disciplinary Authority by impugned order dated 03.07.2000 (Annexure-A) in a joint enquiry conducted by the department against him and



Inspector Jawahar Lal. The penalty imposed upon the applicant is as under:-

"Under the circumstances and in view of above discussion I found the D.E. finding in order which is based on facts and record. I agree to the finding and hereby award the punishment of forfeiture of two year's approved service permanently for a period of two years to Insp. Jawahar Lal, No. D-1/673 w.e.f. 9.8.2000 after expiry of earlier punishment i.e. forfeiture of two years approved service permanently for a period of one year awarded to him vide order No. 8517-25/P.Cell/Vig./P-V dated 9.8.99. Since the misconduct of SI Jagdish Chander, No. D/908 was of gravest nature, hence, I forfeit his five year's approved service permanently for a period of five years with immediate effect. This punishment will however run concurrently with the earlier punishment i.e. withholding of his increment for a period of five years with cumulative effect awarded to him vide order No. 2521-46/For(HAP)(-1) dated 15.5.2000. The pay of Insp. Jawahar Lal, No. D-1/673 is reduced from the stage of Rs. 7700/- P.M. to Rs. 7300/- P.M. and from Rs. 6900/- P.M. to Rs. 6025/- P.M. in respect of SI Jagdish Chander No. D/908 in their time scale of pay. They will not earn the increments of pay during the period of reduction and that on the expiry of the period, the reduction will have the effect of postponing of their future increments of pay."

3. The applicant has challenged the said order before us in this OA. He seeks the following reliefs:-

- "(a) call for the records of the case and quash/set aside the impugned order dated 3.7.2000 (Annex-A) and enquiry report (Annexure-Q),
- (b) grant all consequently benefits of pay, arrears, allowances and seniority, monetary etc. to which the applicant is entitled for in law.
- (c) pass such other or further order as may be deemed fit and proper in the facts of the case.
- (d) Award costs."



(14)

4. The applicant in the present OA has stated that he has filed an appeal against the said impugned order to the Appellate Authority i.e. the Commissioner of Police on 10.08.2000 (Annexure-T). Learned counsel for the applicant Sh. Shyam Babu submits that the said appeal is still pending before the Commissioner of Police and has not been disposed of as on date.

5. Learned counsel for respondents Sh. Ajay Gupta also confirms the position regarding the non-disposal of the pending appeal by the Appellate Authority. He also submits that the OA can be disposed of with a direction to the Appellate Authority i.e. the Commissioner of Police to dispose of the said appeal within a particular time framed.

6. After hearing the learned counsel for both the parties and on perusal of the pleadings and material papers placed on record, we dispose of the OA with the following directions:-

(i) Respondent No.3 is directed to examine the aforesaid appeal filed by the applicant which is pending before him on its merits in the light of the relevant rules, instructions and judicial pronouncements on the subject and after giving a personal hearing to the applicant ~~and~~ dispose of the said appeal with a detailed and speaking

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order under intimation to the applicant within two months from the date of receipt of a copy of this order.

(iii) If any grievance still survives thereafter, the applicant is granted the liberty to approach the Tribunal in fresh original proceedings, if so advised, in accordance with law.

7. The OA is disposed of as above. No costs.

(Govindan S. Tampi)
Member (A)

(Dr. A. Vedavalli)
Member (J)

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