

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2033/2001

New Delhi this the 19th day of March, 2002

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

S.I. Surender Dev,
S/O Late Balwant Singh,
R/O D-210, Sector 18,
Rohini, Delhi

(By Advocate Mrs. Jyotsna Kaushik,
learned counsel through proxy
counsel Sh. Yogesh Sharma) ...Applicant

VERSUS

1. Commissioner of Police,
Police Headquarters, MSO Building
I.P.Estate, New Delhi.
2. Jt. Commissioner of Police
(New Delhi Range)
Police Headquarters, MSO Bldg.,
I.P.Estate, New Delhi.

(By Advocate Mrs. Neelam Singh) ...Respondents

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman (A)

Applicant impugns the order of the Joint
Commissioner of Police, New Delhi Range dated
18.8.1998 reviewing the orders passed by the
disciplinary authority dated 31.12.1997 under Rule 25
(b) of Delhi Police (Punishment and Appeal) Amendment
Rules-1994 and the order of the Commissioner of
Police dated 29.1.2001 (Annexure A-3) upholding the
order of the Joint Commissioner of police.

2. We have heard both sides.

3. Proxy counsel for the applicant, Shri Yogesh Sharma, has invited our attention to the CAT (Full Bench (P.B.) order dated 14.9.2000 in OA 77/1997 Head Constable Rajpal Singh and Ors. Vs. UOI and Ors with connected cases, wherein Full Bench has held that Rule 25 (b) Delhi Police (Punishment and Appeal) Amendment Rules 1994 is ultra vires the provisions of Delhi Police Act. Nothing has been shown to establish that the aforesaid ruling of the Full Bench in Rajpal Singh's case (supra) either has been stayed or modified.

4. Under the circumstances, applying the aforesaid ruling to the present case, we have no option but to hold that the impugned orders of the Joint Commissioner of Police dated 18.8.1998, as well as the order of Commissioner of Police dated 29.1.2001 cannot be sustained in law.

5. OA succeeds to the extent that the aforesaid two impugned orders are quashed and set aside. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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