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Central Administrative Tribunal, Principal Bench

Original Application No.2408 of 2001

New Delhi, this the 25th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. M.P. Singh, Member(A)

Ex. Sub Inspector Ramesh Chander
s/o late Shri Chandagi Ram
Village & Post Office Sisana
Distt. Sonepat (Haryana)

- Applicant

(By Advocate: Shri B.S.Oberoi)

Versus

1. Delhi Administration, Delhi
through its Chief Secretary
5, Sham Nath Marg,
Delhi.
2. Joint Commissioner of Police
Southern Range
Police Head Quarters, I.P.Estate
New Delhi
3. Deputy Commissioner of Police
South District
New Delhi

- Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

In disciplinary proceedings initiated against the applicant, a penalty of dismissal from service had been initially imposed upon him by the disciplinary authority and affirmed by the Tribunal as also the High Court. In an appeal filed in the Supreme Court, aforesaid order of penalty of dismissal from service has been substituted by one of compulsory retirement. By the present OA, applicant claims that the aforesaid order of compulsory retirement is not one of the penalties provided under Rule 5 of Delhi Police (Punishment and Appeal) Rules, 1980. He, in the circumstances, submits that since no authorised penalty has been imposed upon him, he should be granted pay and allowances for the intervening period.



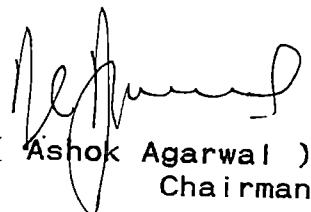
(2)

2. In our view, ~~statement~~ ^{submission} advanced is highly technical. Though it is true that compulsory retirement is not one of the authorised punishments provided in Rule 5 of Delhi Police (Punishment and Appeal) Rules, the same has been intended to be imposed upon the applicant by way of punishment. The Supreme Court in its order has inter alia observed as under:

"We are of the considered opinion that this is a fit case where an order of dismissal should be substituted by the punishment of compulsory retirement." (emphasis provided)

3. Aforesaid order as we read it, imposes a penalty upon the applicant. Applicant in the circumstances, is not justified in making the claim for pay and allowances for the intervening period. Present OA, in the circumstances, we find is devoid of merit. The same is accordingly dismissed in limine.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman

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