

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

OA NO.2483/2001

NEW DELHI, THIS THE 31st DAY OF OCTOBER, 2002

HON'BLE MR.JUSTICE V.S.AGGARWAL, CHAIRMAN

HON'BLE MR.S.A.T. RIZVI, MEMBER (A)

Shri Mohinder Singh Parasher
S/o Late Shri Parma Nand
R/o 1119, Timar Pur
Delhi.

..... Applicant

(By Shri Bhaskar Bhardwaj, Advocate)

vs.

1. Union of India
Through Commissioner of Police
Police Headquarters
I.P.Estate
New Delhi.

2. Joint Commissioner of Police
Special Branch
Police Headquarters
7th Floor
I.P.Estate
New Delhi.

3. Deputy Commissioner of Police
Special Branch, 7th floor,
PHQ, I.P.Estate
New Delhi.

.... Respondents

(By Shri George Paracken, Advocate)

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ORDER (ORAL)

JUSTICE V.S.AGGARWAL:-

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The present applicant, Mahinder Singh Parasher was dealt with departmentally. The allegation was that while he was posted in the 4th Battalion, Delhi Armed Police, a complaint was received from Woman ASI (Ministerial) Kiran Yadav regarding ^{gender} harassment. The matter had been enquired into. A report had been submitted that the applicant used to pass objectionable remarks at Woman ASI (Ministerial) Kiran Yadav.

2. The departmental enquiry was entrusted to Smt. Nirmal Verma, Assistant Commissioner of Police. A finding was recorded that the charge had been partly proved. The applicant was awarded the following punishment by the disciplinary authority:-

“At the time of personal hearings, he has not adduced any fresh point. Keeping in view the totality of the circumstances of the case and his future career, I am taking a lenient view while awarding the punishment of forfeiting 3 (three) years of approved service permanently upon SI (Min.) Mahender Singh, No.D/449 for a period of 3 (three) years. Accordingly, the pay of SI (Min.) Mahender Singh No.D/449 is reduced by 3 stages from Rs.6550/- p.m. to Rs.6025/-p.m. in time scale of pay for a period of 3 years. He will not earn increment of pay during the period of reduction and on the expiry of this period, the reduction will have the effect of postponing his future increments of pay.”

He preferred an appeal which was dismissed on 8.8.2001. Aggrieved by the same, the present application has been preferred.

3. At the time of arguments, the learned counsel for the applicant besides raising other submissions urged that in terms of the decision rendered by the Delhi High Court in the case of **Shakti Singh vs. Union of India & Ors.** and connected cases (CWP No.2368/2000)

U S Aggarwal

on 17.9.2002, the punishments that have been awarded cannot be sustained because two such punishments have been awarded by the disciplinary authority.

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4. What is being urged at the Bar cannot be ignored. In the case of Shakti Singh (supra), the order in question like the present order was :-

“The charge leveled against Inspr. Shakti Singh, No.D-1/231 is fully proved..... Thus, the pay of Inspr. Shakti Singh, No.D-231 is reduced by five stages from Rs.2525/- to Rs.2100/- in the time scale of pay for a period of five years. He will not earn increment of pay during the period of reduction and on the expiry of this period, the reduction will have the effect of postponing his future increments of pay.”


Keeping in view, the Rule 8 of the Delhi Police (Punishment & Appeal) Rules, 1980, the Delhi High Court held that this amounts to two separate punishments, namely reducing the pay by five stages and not earning increment of pay during the period of reduction and thereafter on expiry of the period, the reduction was to have effect of postponing his future increments of pay.

5. In face of the cited decision, the impugned orders are quashed. It is directed that the disciplinary authority may pass fresh orders in accordance with law and what has been recorded above.
6. In face of the aforesaid, it becomes unnecessary for us to express any opinion on the merits of the matter. The disciplinary authority may pass necessary orders preferably within six weeks from the date of receipt of a copy of this order. Thereafter, the applicant may exhaust all other remedies as are available to him according to the rules. No costs..

Announced .



(S.A.T.RIZVI)
MEMBER (A)



(V.S.AGGARWAL)
CHAIRMAN