

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2739/2001

VS

This the 14th day of November, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri V.K. Majotra, Member (A)

SI Chhitter Mal Meena,
No. D/3215 (PIS No. 28780638),
IGI Airport, New Delhi.

-Applicant

(By Advocate: Shri Sama Singh)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
2. Commissioner of Police,
Delhi Police Headquarters,
MSO Building, I.P. Estate,
New Delhi-110002.
3. Joint Commissioner of Police
(Operations),
Delhi Police Headquarters,
MSO Building, I.P. Estate,
New Delhi-110002.
4. Dy. Commissioner of Police/FRRO,
Hans Bhawan, New Delhi.

-Respondents

(By Advocate: Shri George Paracken)

ORDER (Oral)

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

Applicant has challenged punishment of temporary forfeiture for a period of one year entailing reduction in his pay from the stage of Rs.6200/- per month to Rs.6025/- per month in the time scale of pay as also that he would not earn increment of pay during the period of reduction and on the expiry of that period, reduction will not have the effect of postponing his future increments of pay. This punishment was inflicted upon him in D.E. proceedings alleging that he was negligent for not detecting forgery in a case.

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2. The learned counsel of the applicant has mainly stated that the applicant has been visited with multiple punishments and also that the main punishment of forfeiture of one year's service temporarily is excessive.

3. The learned counsel also stated that the applicant had also been brought on the secret list of doubtful integrity vide communication dated 4.6.98.

4. On the basis of certain Court judgements a Circular dated 16.4.2002 has been issued by Commissioner of Police, Delhi (Annexure R-I). Therein, it has been stated that punishment of "forfeiture of approved service", when in combination of punishments of reduction in pay and deferment of increments amounts to double penalty and are contrary to provisions of Rule 8(d) (i) and (ii) of Delhi Police (Punishment and Appeal) Rules, 1980. The earlier Delhi Police Headquarters Circulars permitting imposition of combined punishments, as such, have become infructuous on implementing the judgments of the Court. Accordingly, the punishments challenged in the present case, have been accepted as multiple punishments by the departmental authorities.

5. The Learned counsel of the respondents very fairly submitted that they would be prepared to review the punishment orders against the applicant in the departmental enquiry in the light of their own circular of 16.4.2002. However, he submitted that the punishment in the present case is not excessive. Punishment regarding

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temporary forfeiture of one year's service is not excessive considering the nature of the charge. We have considered this contention and found that in view of the nature of charge, the punishment of temporary forfeiture of one year's service is not excessive warranting any interference in exercise of the power of judicial review.

6. Having regard to the above discussion, orders dated 21.7.98 and 24.3.99 (Annexures A & B) are quashed and set aside and the case is remanded back to the respondents to pass appropriate orders in the departmental enquiry in conformity with Circular dated 16.4.2002. Vide communication, dated 4.6.98, respondents had brought applicant's name on the secret list of doubtful integrity. Respondents are also directed to consider applicant's claim for deletion of his name from the secret list of persons of doubtful integrity w.e.f. 27.2.98 after passing appropriate orders in the departmental enquiry as directed above in accordance with the relevant rules. Respondents shall comply with the aforesated directions within a period of three months from today.

7. OA is disposed of in the above terms. No costs.

V.K. Majotra

(V.K. Majotra)
Member (A)

Lakshmi Swaminathai

(Smt. Lakshmi Swaminathai)
Vice-Chairman (J)

cc.