

(12)

Central Administrative Tribunal, Principal Bench

Original Application No.2781 of 2001

New Delhi, this the 7th day of November, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.A.T. Rizvi, Member(A)

Ex. Hd Constable (Driver)  
Ombir Singh, 4028/PCR  
S/o Shri Bhoop Singh, aged about 39 yrs.  
R/o 52 A, Phool Prahalad Pur, Police Station,  
Okhala, Delhi-44

....Applicant

(By Advocate: Shri Sachin Chauhan)

Versus

1. Union of India through  
Ministry of Home Affairs,  
New Delhi.
2. Additional Commissioner of Police,  
PCR and Communication of Police,  
New Delhi.
3. Additional Deputy Commissioner of Police,  
PCR, Delhi

....Respondents

(By Advocate: Ms. Renu George)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant was a Head Constable (Driver) in Delhi Police. He had been dismissed from service.

2. It is not in dispute that disciplinary proceedings had been initiated against the applicant and one Shri Gajraj Singh, to be described as co-delinquent. In case of Gajraj Singh, the punishment awarded was -

"The pay of S.I. Gajraj Singh No.442/D and HC (Dvr.) Om Bir Singh No.252/DAP is reduced by three stages from Rs.1820/- to 1640/- P.M. and from Rs.1320/- to 1230/- respectively, in the time scale of pay for a period of three years with immediate effect. They 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 their future increments of pay. The period intervening the date of their dismissal i.e. 9.6.94 and the date on which they rejoin their duties will be

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treated as leave of the kind due. Their appeal to the extent is accepted and they are hereby reinstated in service."

3. During the course of submissions, it was pointed out that when facts were identical against the applicant and the co-delinquent, similar punishment could only be awarded because otherwise the punishment awarded would be discriminatory.

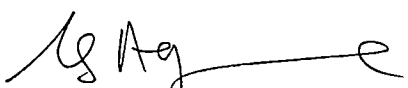
4. Learned counsel for the respondents, on instructions, has stated that she has no objection if the same punishment is awarded to the applicant.

5. The applicant's counsel also has no objection.

6. Accordingly, we quash the impugned order and direct that same punishment may be awarded to the applicant. It is true that it is within the domain of the disciplinary authority to award punishment but since it is a consent order, to avoid unnecessarily departmental files to be moved, we direct that same punishment be imposed upon the applicant namely that the pay of the applicant be reduced by three stages from Rs.1320/- to 1230/- p.m. in the time scale of pay for a period of three years. He will not earn increments 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. The period intervening will be treated as leave of the kind due.

  
( S.A.T. Rizvi )  
Member(A)

/dkm/

  
( V.S. Aggarwal )  
Chairman