

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

12

O.A. No.2997 of 2001

New Delhi, this the 9th day of May, 2003

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN  
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

Kulwant Singh,  
S/o Shri Dilbagh Singh,  
V P O Tigrana,  
Distt. Bhiwani ... Applicant  
(By Advocate : Shri Arun Bhardwaj)

Versus

1. Commissioner of Police,  
Police Headquarters,  
IP Estate,  
New Delhi.
2. Joint Commissioner of Police,  
Southern Range,  
Police Headquarters,  
IP Estate,  
New Delhi.
3. Addl. Dy. Commissioner of Police,  
South District, Hauz Khas,  
New Delhi. .... Respondents  
(By Advocate : Shri George Parackin)

ORDER (ORAL)

SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN :

The applicant, along with Head Constable Mahabir Singh, faced departmental proceedings. The primary allegation against them was that one person while in custody committed suicide. The dereliction of duty had been attributed towards both Head Constable Mahabir Singh and the applicant. As a result of the disciplinary proceedings that ensued and accepting the same, the penalty of removal from service had been imposed on the applicant as well as Head Constable Mahabir Singh.

2. Learned counsel for the applicant contended that in the case of Head Constable Mahabir Singh this

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(2)

Tribunal in OA No.57/2001 decided on 1.1.2002 had remitted the matter to the competent appellate authority to pass a fresh order of penalty other than the removal or dismissal from service. The operative portion of the order passed in the case of Mahabir Singh reads:-

13

"6. However, we set-aside the appellate order dated 23.12.1999 and remand the case back to the competent authority to pass a fresh order of penalty other than the removal and dismissal from service. Thereafter the intervening period shall be decided in accordance with law and rules on the subject. These directions shall be complied with within a period of three months from the date of receipt of a copy of this order. No costs."

3. We find no reason to take a different view and in fact judicial discipline requires parity of reasoning admitting that both of them were dealt with together.

4. Resultantly, we, in terms of the decision rendered in the case of Mahabir Singh (supra), remit the case of the applicant to the appellate authority to pass a fresh order of penalty other than removal/dismissal from service. Thereafter the intervening period shall be decided in accordance with law and rules in the circumstances. Necessary compliance of the present order be effected within four months from the date of receipt of a certified copy of the present order.

(GOVINDAN S. TAMPI)  
MEMBER (A)

(V.S. AGGARWAL)  
CHAIRMAN

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