

Central Administrative Tribunal
Principal Bench

O.A. No. 55 of 2001.

New Delhi, dated this the 9th May, 2002.

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN(J)
HON'BLE MR. Govindan S.Tampi, MEMBER (A),

SI Vikram Singh Rathi,
S/o M.S.Rathi,
R/o 267, PTS Police Colony,
Malviya Nagar,
Delhi.

...Applicant.

(By Advocate: Shri Arun Bhardwaj, learned counsel
through Shri Pradeep Dhaiya, learned
proxy counsel)

Versus

1. Commissioner of Police,
Police Headquarter,
MSO Building,
I.P.Estate,
New Delhi.

2. Joint Commissioner of Police (Operation),
Police Headquarter,
MSO Building,
I.P.Estate,
New Delhi.

3. Deputy Commissioner of Police (Vig.)
MSO Building,
I.P.Estate,
New Delhi.

4. Deputy Commissioner of Police,
IGI Airport,
New Delhi.

(By Advocate: Shri A.K.Chopra, learned counsel
through Shri R.K.Singh, learned proxy
counsel)

ORDER (Oral)

Smt.Lakshmi Swaminathan, VC(J)

1. In the present case, the applicant has impugned the punishment order dated 5.10.99 (Annexure A/1) issued by Respondent No.2, in exercise of powers under Rule 25 B of the Delhi Police (Punishment & Appeal) Amendment Rule, 1994 (hereinafter referred to as "the Rules") and order dated 2.6.2000 (Annexure A/2) issued under Rule 25 B of the Rules.

82

(2)

2. By the order dated 5.10.99 in exercise of the same powers under Rule 25 B of the Rules, a show cause notice was issued to applicant. Thereafter, the impugned order dated 2.6.2000 had been issued by the respondent No.2 i.e. Joint Commissioner of Police in exercise of powers under Rule 25 B of the Rules.

3. Learned proxy counsel for the respondents has not been able to show any order passed by the Hon'ble Delhi High Court staying the operation of the aforesaid order of the Full Bench of the Tribunal in H.C.Rajpal Singh Vs. UOI & Ors.(OA No.77/97 & connected OAs, decided on 14.9.2000). In this case, Rule 25 B ~~of the Rules has been considered and for the reasons given therein, it has been held that Rule 25 B of the Rules is not~~ valid and is ultra vires the provisions of the Delhi Police Act,1978.

4. As the judgment of the Tribunal delivered on 14.9.2000 has neither been modified nor set aside or stayed by any order of the High Court, that judgment is binding on us.

5. In the facts and circumstances of the case, the impugned orders issued by the respondent No.2 in exercise of the powers under Rule 25 B of the Rules cannot be held to be valid in the light of the judgment of the Full Bench of the Tribunal in Rajpal Singh's case (Supra).

f/c

(3)

6. Accordingly, the OA succeeds and is allowed. The impugned orders dated 5.10.99 and 2.6.2000 are quashed and set aside. The applicant shall be entitled to all consequential benefits in accordance with law and rules. No costs.

(Govindan S. Tampi)
Member (A)

/ug/

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)