

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.
OA 1098/99

New Delhi this the 11th day of October, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri R.K. Ahooja, Member (A)

(7)

Satish Chander,
Sub Inspector(Under Suspension),
Delhi Police
R/O G-223, Nanak Pura,
Moti Bagh-II, New Delhi-110021

..Applicant

(By Advocate Shri J.S. Rawat)

versus

1. Commissioner of Police,
Police Headquarters, Near
ITO, New Delhi.
2. Deputy Commissioner of Police,
South West District,
Vasant Vihar, New Delhi.

..Respondents

(By Advocate Ms. Jyotsna Kaushik,
learned counsel through proxy
counsel Sh. Ajesh Luthra)

ORDER (ORAL)

(Hon'ble Shri R.K. Ahooja, Member (A))

The applicant who is a SI in Delhi Police, was proceeded against in a criminal case on the basis of a case registered under RC No. 18(A)/95/Delhi dated 9.3.1997 and placed under suspension. The applicant had filed an earlier OA 951/98 which was disposed of by order dated 17.11.1998. Noting that the applicant was placed under suspension for more than 3 years the Tribunal directed that in accordance with Govt. of India instructions Respondents i.e. Commissioner of Police may review the case of the applicant taking into account all the relevant facts and to take a final decision in the matter.

2. The Commissioner of Police in compliance of the directions of the Tribunal passed an order dated 7.1.1999 (Annexure B) by which he has rejected the request for reinstatement of the applicant. This order is impugned before us.

(B)

3. We have heard learned counsel for both the parties. The main contention raised by the learned counsel for the applicant is that the applicant has been under suspension for more than 4 years. The respondents have already in similarly other cases cited at Annexure-G of the respondents reply, allowed reinstatement of certain police officials who were also allegedly involved in criminal cases. It was the contention of the learned counsel for the applicant that he has been discriminated against as he was not equally considered and treated on equal footing.

4. We have carefully considered the submissions made before us. As has been pointed out by the Commissioner of Police the case of the applicant was reviewed by the disciplinary authority after completion of three months of his suspension under FR 53 and his subsistence allowance was increased under the Rule vide order dated 26.7.95. The applicant has drawn subsistence allowance @ 75% of his pay. The applicant was also allowed to retain his accommodation and other benefits of service till the final decision is taken. If the applicant ultimately is acquitted in the criminal case and also the decision of the OA is in his favour, he will be entitled to all his arrears of pay and consideration for promotion in accordance with the rules. We, therefore, do not consider that the applicant is placed in a difficult situation. We also find that the order of Commissioner of Police is a speaking and reasoned one. The Commissioner of Police has noted that the criminal case is under trial. It is also noted there is possibility of his tampering with the evidence or influencing/ winning over the witnesses while in active service position. The case in question relates to allegation of corruption. Considering the nature of the complaint against the applicant, we do not consider that there is no basis for the Commissioner of Police to come to the conclusion which he has in the impugned order. We also find that no violation of any rules has been pointed out. Therefore, we do not find any illegality in

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the impugned order.

5. As regards the contention of the applicant that he has been treated unequally as some others have been reinstated in the service has also to be rejected, as their cases admittedly are not before us. This fact is also noted by the Commissioner of Police in his order stating that the facts of each cases are different.

6. In the result, we find no merit in this OA and the same is accordingly dismissed.

~~R.K.Ahooja~~
(R.K.Ahooja)
Member (A)

~~Lakshmi Swaminathan~~
(Smt. Lakshmi Swaminathan)
Member (J)

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