

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. No.2141/99

New Delhi this the 30th day of October, 2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)  
HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

Shri Raj Pal  
S/o Shri Ram Singh  
R/o V.P.O. Majra Dabas,  
Delhi-110 081.

-Applicant

(By Advocate: Shri S.K. Gupta)

Versus

1. Govt. of NCT of Delhi  
through Chief Secretary,  
5, Sham Nath Marg,  
Delhi-110 054.
2. Commissioner of Police,  
Police Headquarters,  
I.P. Estate,  
New Delhi-110 002.
3. Addl. Commissioner of Police,  
(Armed Police)  
N.P.L. Kingsway Camp,  
Delhi.
4. Deputy Commissioner of Police,  
IIIrd Bn. D.A.P.  
Vikas Puri, Delhi.
5. Ram Singh,  
Enquiry Officer/A.C.P.  
IIIrd Bn. D.A.P.  
Vikas Puri,  
New Delhi-110 018.

-Respondents

(By Advocate: Shri Anil Singhal proxy for  
Shri Harvir Singh)

ORDER (Oral)

Smt. Lakshmi Swaminathan, Member (J)

The applicant has filed MA-2658/2000 in which he has sought certain directions. He has further submitted that on the alleged misconduct against the applicant, the respondents have imposed punishment of Censure. Respondent No.4, in exercise of the powers under Rule 25(B) of the Delhi Police (Punishment and Appeal) (Amendment) Rules, 1964, rescinded the order of Censure and after holding a departmental enquiry,

the punishment of forfeiture of one year approved service permanently for a period of two years entailing proportionate reduction in his pay was passed by order dated 23.3.98. The applicant filed an appeal against this order which has been dealt with by the Appellate Authority vide his order dated 15.9.98 in which the punishment order was modified to the extent that forfeiture of one year approved service temporarily for a period of one year was given instead of forfeiture of two years permanently. These orders have been impugned by the applicant in the present OA on a number of grounds. One of the grounds is that Respondent No.4 had no power under Rule-25(B) of the Delhi Police (Punishment and Appeal) (Amendment) Rules, 1994, to modify the penalty order, as this provision did not have the sanctity of law. In the Miscellaneous Application, the applicant has relied upon the Full Bench judgment of the Tribunal in OA-77/97 with connected cases (Annexure A-1). By this order, the Tribunal has held that Rule-25 (B) of the Delhi Police (Punishment and Appeal) (Amendment) Rules, 1994 is not valid and is ultra vires the provisions of the Delhi Police Act, 1978.

2. Shri S.K. Gupta, learned counsel has prayed that the impugned orders passed by the Reviewing authority under Rule 25(B) of the aforesaid Rules and the appellate authority dated 23.3.98 and 15.9.98 respectively are not valid in law and, therefore, these may be quashed and set-aside. He has clarified that no appeal was filed by the applicant against the penalty order of Censure imposed on him earlier and what has been challenged in the OA are the orders passed by the Reviewing authority under Rule-25(B) and the Appellate authority.

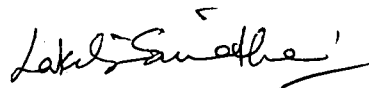
*JS*

3. We have heard Shri Anil Singhal learned proxy counsel for the respondents.

4. In view of the Full Bench Judgment of the Tribunal dated 14.9.2000 in OA-77/97 with connected cases, the impugned orders dated 23.3.98 and 15.9.98 passed by the authorities in exercise of the power under Rule 25(B) of the Delhi Police (Punishment and Appeal) (Amendment) Rules, 1994 are quashed and set aside. Noting the submissions of the learned counsel for the applicant, nothing further survives in the OA and it is allowed. MA-2658/2000 is also allowed. No order as to costs.



(V.K. Majotra)  
Member (A)



(Smt. Lakshmi Swaminathan)  
Member (J)

cc.