

Central Administrative Tribunal
Principal Bench

O.A. 211/99

6

New Delhi this the 13th day of September, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri S.P. Biswas, Member(A)>.

Ex. Constable Rohitas, No. 998/N.E,
S/o Shri Ram Lal
employed in Delhi Police,
R/O Village-Meena Pur,
P.O. Bamboli, District Alwar,
Rajasthan.

...Applicant

(By Advocate Sh. Shankar Raju)

Versus A

1. Union of India,
Through Its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Commissioner of Police,
Police Headquarters,
I.P. Estate, New Delhi.
3. Addl. Commissioner of Police,
Northern Range, Police Headquarters,
M.S.O. Building, New Delhi.
4. Addl. Deputy Commissioner of Police,
North East District,
Seelam Pur, Shahdara, Delhi.

(By Advocate Sh. S.K. Gupta, proxy for Shri B.S. Gupta)

O R D E R (Oral)

(Hon'ble Shri S.P. Biswas, Member (A))

The applicant, who is Constable under the respondents - Delhi Police, is aggrieved by the orders dated 18.6.1996, 26.11.1997, 18.12.1998 and 22.2.1996 respectively. The respondents by order dated 18.6.1996 have imposed on the applicant a punishment of removal from service and the entire period of his absence has been treated as leave without pay by Annexure A-1.

2. The applicant has assailed the aforementioned orders on several grounds as mentioned in Paras 5(i) to 5(x). The main plank of the applicant in so far as his removal from

service is concerned is the judicial pronouncement of the Apex Court in the case of State of Punjab Vs. Bakshish Singh (JT 1998(7) SC 142) and also the decision of this Tribunal (PB) in the case of Ram Piara Singh Vs. Union of India & Ors. (O.A. 2223/95) decided on 13.1.1999. In these cases, it was held by this Tribunal that once the period of absence has been regularised by grant of leave of any kind, the disciplinary authority has no power to impose penalty. The period of absence in this particular cases relates back to 11.11.1994 to 18.6.1996 and this period was also decided as leave without pay in the impugned order dated 18.6.1996 (Annexure A-1)

3. In the background of the aforesaid decision and the judicial pronouncement of the Apex Court, we allow the application setting aside the impugned orders as well as the appellate authority's order and direct the respondents to reinstate the applicant in service as Constable with the continuity of service, with all consequential benefits but without any back wages. The respondents shall complete the exercise in terms of the aforesaid order within a period of three months from the date of receipt of a copy of this order. No order as to costs.



(S.P. Biswas)
Member(A)

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(Smt. Lakshmi Swaminathan)
Member(J)