

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2792/1999

35

New Delhi this the 31st day of December, 2002

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S.Tampi, Member (A)

1. CT.Pawan Kumar
S/O Shri Ajab Singh
R/O V-721, Vijay Park,
Maujpur, Shahdara, Delhi.
2. CT. Rakesh Kumar,
S/O Shri Jagbir Sharma,
R/O 198/19, Near Water Tank,
Sri Ram Nagar, Shahdara,
Delhi.
3. CT.Bhule Ram
S/O Shri Nanak Chand,
Vill.& P.O.Chajarsi,
District Gautam Budh Nagar
(U.P.)

..Applicants

(By Shri Ravi Kant Jain, Advocate
proxy counsel for Sh.Arun Bhardwaj)

VERSUS

1. Union of India, through its
Secretary, Ministry of Home
Affairs, North Block, N/Delhi.
2. The Jt.Commissioner of Police,
New Police Range,MSO Building,
I.P.Estate, New Delhi.
3. The Deputy Commissioner of Police,
North East District, PS Seelampur,
Delhi.

..Respondents

(By Advocate Ms. Renu George)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

This application has been filed by ~~the~~ three
applicants impugning the order issued by the
disciplinary authority dated 15.10.1998 and rejection of
their appeal by the appellate authority by order dated
16.9.1999.

B.

nb

2. The above orders have been issued against the applicants after holding a Departmental enquiry against them. The disciplinary authority by his order dated 15.10.1998 has imposed the following punishments:-

" After carefully going through the statements during the D.E. and the discussion as mentioned above, I award the punishment of forfeiture of five years approved service of Ct. Bhule Ram, No. 748/NE, Ct. Pawan Kumar, No. 842/NE and Ct. Rakesh Kumar, No. 791/NE permanently for a period of 5 years entailing proportionate reduction in their pay with immediate effect. They will not earn increment during the period of reduction and after the expiry of this period, the reduction will have the effect of postponing their future increments. They are also reinstated from suspension with immediate effect and their suspension period from 29.7.97 to the date of issue of this order be treated as period not spent on duty".

The appellate authority had dismissed the appeal and confirmed the above penalty by his order dated 16.9.1999.

3. Right at the beginning, Shri Ravi Kant Jain, learned proxy counsel for the applicants, has drawn our attention to an order of the Tribunal dated 4.12.2002 in HC Mahavir Singh Vs. UOI and Ors (OA 712/2002), copy placed on record. He has submitted that having regard to this judgement of the Tribunal, which has followed the decision of the Hon'ble High Court in CWP No. 2368/2000- Shakti Singh Vs. Union of India & Ors decided on 17.9.2002, he would be satisfied if a similar order remitting the present case to the disciplinary authority is passed to take a fresh decision, in the

18.

34

light of the aforesaid judgements. Ms. Renu George, learned counsel for the respondents has submitted that in the circumstances, the other issues may be left open and she has no objection to the case being remitted ^{to} ~~for~~ this limited purpose.

4. In view of what has been stated above and following the judgement of the Tribunal in HC Mahavir Singh's case (supra), the OA is disposed of with the following directions:-

The impugned order passed by the disciplinary authority dated 15.10.1998 and the appellate authority's order dated 16.9.1999 are quashed and set aside. The case is remitted to the disciplinary authority to pass ^{an} ~~the~~ fresh penalty order in the light of the decisions of the High Court in Shakti Singh's case (supra) followed in HC Mahavir Singh's case (supra). This shall be done within two months from the date of receipt of a copy of this order, with intimation to the applicant.

No order as to costs.

(Govindan S. Tampi)
Member (A)

SK

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)