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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 1561/1998

This the 12th day of September, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)  
HON'BLE SH. S.A.T. RIZVI, MEMBER (A)

HC (DVR) Vijender Singh  
No. 32-T (PIS No. 28810448)  
Delhi Police, Delhi.  
(By Advocate: Sh. Anil Singhal)

Versus

1. Lt. Governor of NCT of Delhi  
through  
The Commissioner of Police, Delhi Police,  
Police Headquarter, I.P. Estate,  
New Delhi.
2. Additional Commissioner of Police  
Delhi Police, Traffic & Security  
Police Headquarters, New Delhi.
3. Additional Dy. Commissioner of Police,  
Delhi Police, Traffic,  
Police Headquarters, New Delhi.

(By Advocate: Sh. Mohit Madan proxy for  
Mrs. Avnish Ahlawat)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant is H.C. (Driver) Traffic Police, Delhi was proceeded departmentally on the allegation that he had taken the official vehicle to his residence without permission and brought back the same the next morning in a damaged condition. It was stated that on 18.5.92 the applicant while posted in E-Block Security Unit was detailed to take the vehicle bearing No. DDC-7832 for repair of its brakes to Main Lines, Security Workshop. The applicant instead of taking the vehicle to workshop, had taken the vehicle to his residence and in the morning he met with an accident nearby his residence. Even a criminal case was registered in Police Station, Janakpuri. After providing him the full opportunity to contest the departmental enquiry the enquiry officer recorded the finding,

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holding the applicant guilty of the charges framed in the DE. After that the disciplinary authority imposed the punishment on the applicant in the following terms:

"Keeping in view the overall facts and circumstances of the case I, D.P. Verma, Addl.DCP/Traffic, Delhi hereby order to reduce the pay of HC(Dvr) Vijender Singh, No.32-T by one stage from Rs.1440/- to Rs.1410/- p.m. with immediate effect in the present time scale of pay for the period of one year. During the reduction period he will not earn his increment of pay and on expiry of this period the reduction will have the effect of postponing his future increments of pay."

2. The appeal against this order was filed which was rejected and the order passed by the disciplinary authority has been maintained. Revision petition was also dismissed. Applicant challenged the same. Besides various grounds taken by the applicant one of the ground taken by the applicant was that respondents had imposed multiple punishments on the applicant which is in contravention of Delhi Police Act and Rules. As many as three punishments have been imposed by the order.

- (i) Reduction of pay
- (ii) stoppage of increment and
- (iii) on expiry of the period the reduction will have the effect of postponing future increments of pay.

3. It is stated that this Tribunal, in number of cases, has held that multiple punishments are bad in law. This amounts to combination of punishments which is contrary to the

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provisions of Rules (d) (i) & (ii) of the 1980 Rules. Counsel for applicant has also referred to judgment given in OA-1474/92 Om Prakash Meena vs. Commissioner of Police.

4. Though the said OA was initially contested by the respondents but relying in the judgments on the subject. The OA was disposed of with the direction as both the counsel had also agreed that the benefit of the judgment of Om Prakash Meena vs. Commissioner of Police be also extended to the applicant. However, thereafter the department filed a CWP No.160/2000 wherein it was pleaded that judgment of Om Prakash Meena vs. Commissioner of Police and others has since been reversed by the Full Bench of the Tribunal on an earlier date on 18.5.1999 in OA-2225/93 (ASI Chander Pal No.809/D vs. Delhi Administration and another). Hon'ble High Court observed as under:-

" In this view of the matter it will be appropriate if the petitioners move the Tribunal to withdraw the concession as made before it by the counsel on 9th July, 1999. The present petition is disposed of in the above terms".

5. That is why this OA is being re-heard. We have heard the learned counsel for the parties.

6. Learned counsel for the applicant referred to the judgment of the Full Bench and submitted that the nature of the penalty awarded in the impugned order has been upheld. The judgment in case of Om Prakash Meena (supra) has been reversed. On going through the judgment of the Full Bench, we find that in para 8 the Hon'ble Full Bench had observed that

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"Section 21 of the Delhi Police Act, 1978 authorises the award of the following punishments, namely:

- (a) Dismissal
- (b) removal from service
- (c) reduction in rank
- (d) forfeiture of approved service
- (e) reduction in pay
- (f) withholding of increment
- (g) fine not exceeding one month's pay."

7. Keeping in view the gravity of the misconduct the disciplinary authority can choose any one of the penalties and in the case of graveness of conduct even the penalty of dismissal. Even in this case there is no need to combine two penalties since it is possible to choose a more severe penalty as would meet the ends of justice. Since one of the penalty listed at Sl. (d) is also for forfeiture of service, Court has also observed that penalty of forfeiture of approved service permanently entailing reduction in pay by certain stages for a period of certain years with the condition that the delinquent official would not earn increment during the period of reduction and on expiry of that period the reduction would have the effect of postponing the future increments is in accordance with law. So counsel for the respondents tried to justify the penalty order based on the judgment given in the full Bench.

8. However, in reply to this, Sh. Anil Singhal, learned counsel appearing for the applicant submitted that the penalty order in the case in question shows that the disciplinary authority did not pass an order with regard to forfeiture of

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approved service. It simply stated that the disciplinary authority was pleased to order to reduce the pay by one stage with immediate effect and that during the reduction period he will not earn his increment. So he could not have passed an order postponing the future increments of pay nor he could have withdraw the increment for the period in question because the penalty of reduction of pay as it is enshrined in head (e) does not entail the same. The withholding of increment is enshrined under separate head-F so order of reduction of pay was sufficient to the extent that if the penalty would have been restricted to reducing the pay of the applicant.

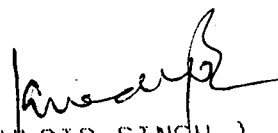
9. In our view, the contention raised by the applicant seems to have force in it because in the order of penalty there is no suggestion at all if the disciplinary authority had imposed the penalty of forfeiture of approved service. The reading of the penalty order shows that the disciplinary authority contended that the penalty of reduction of pay and even on going through the charges against the applicant also we find that the charges were also not so grave that would have called for passing of an order of forfeiture of service. However, after reducing the pay the order of disciplinary authority also says that the applicant will not earn increment and his increment shall be postponed for a further period amount to combination of two penalties, i.e., of reduction in pay and also of withholding of increment. Thus since the combination of penalty is not admissible, so we hold that since the order show that penalty shall be confined to reduction of pay, we quash the order for withholding of the increment.

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10. No other arguments were addressed on merits of the case. OA stands disposed of in terms of the direction given that order with regard to withholding of increment is quashed but so far reduction of pay is maintained.



( S.A.T. RIZVI )  
Member (A)



( KULDIP SINGH )  
Member (J)

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