

(10)

Central Administrative Tribunal  
Principal Bench

O.A. 1932/98

New Delhi this the 10th day of October, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).  
Hon'ble Shri V.K. Majotra, Member(A).

Ajit Singh,  
(394/SB),  
S/o Shri Chanan Singh,  
R/o 9B/5, Vishnu Garden Extn.V,  
New Delhi-110018.

... Applicant.

(By Advocate Shri Shyam Babu)

Versus

1. Lt. Governor, Delhi,  
Raj Niwas,  
Delhi.
2. Commissioner of Police, Delhi,  
Police Headquarters,  
I.P. Estate,  
New Delhi.
3. Joint Commissioner of Police,  
(Intelligence),  
Police Headquarters,  
I.P. Estate,  
New Delhi.

... Respondents.

(By Advocate Ms. Sumedha Sharma)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

In this O.A., the applicant has impugned the validity of certain orders passed by the respondents, among which is the order passed by them under rule 25-B of the Delhi Police (Punishment and Appeal) Rules, 1980, as amended dated 25.6.1996.

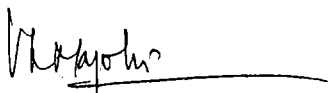
2. Learned counsel for the applicant relies on the recent judgement of the Full Bench of the Tribunal in **HC Rajpal Singh Vs. Union of India & Ors.** (OA 77/97), with connected cases, in which it has been held that Rule 25-B is ultra vires of the provisions of the Delhi Police Act,

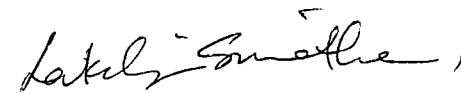
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1978. He has, therefore, submitted that on the face of it the order passed by the reviewing authority under Rule 25-B of the Rules is bad in law and should, therefore, be quashed and set aside. He has also submitted that an appeal against this order has also been rejected by order dated 9.6.1997. Further, Memorial to the Hon'ble Lt. Governor of Delhi against the order passed by the reviewing authority has also been rejected by order dated 6.8.1998. By these impugned orders, the earlier order of censure passed by the reviewing authority has been enhanced to one of reduction in rank.

3. The above factual positions <sup>is by</sup> are not disputed by the learned counsel for the respondents Ms. Sumedha Sharma.

4. In the facts and circumstances of the case, O.A. is allowed. The impugned order dated 25.6.1996 followed by the appellate authority's order dated 9.6.1997 and order dated 6.8.1998 enhancing the punishment imposed on the applicant cannot be held to have been passed by the competent authority in the first instance. In the circumstances, these orders are quashed and set aside. The applicant shall be entitled to consequential benefits which shall be granted to him in accordance with the relevant Rules within two months from the date of receipt of a copy of this order. No order as to costs.

  
(V.K. Majotra)  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'