

Central Administrative Tribunal, Principal Bench

Original Application No. 2383 of 1998

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New Delhi, this the 27th day of September, 2000

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Mange Ram
presently working as Head Constable
No. 2921/D, Vth St. DAP, New Delhi
Delhi-110 001, India Applicant

(By Advocate: Shri S.K.Gupta)

Versus

1. Union of India, through
Chief Secretary,
Ministry of Home Affairs,
North Block, New Delhi
2. Commissioner of Police
Police Headquarters
I.P. Estate, Delhi
3. Sr. Addl. Commissioner of Police
(Intelligence)
Police Headquarters
I.P. Estate,
New Delhi.
4. Amrik Singh Bhullar
A.C.P./Enquiry Officer
C/o Sr. Addl. Commissioner of Police
Police Headquarters,
I.P. Estate, New Delhi Respondents

(By Advocate: Shri Rajinder Pandita)

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

Applicant in this OA has impugned the order dated 29.7.97, reducing his rank from Asstt. Sub-Inspector to Head Constable for a period of five years and order dated 4.5.98, rejecting his appeal.

2. Facts in brief are that applicant was proceeded against departmentally on the allegation of unauthorised absence and punishment of censure was awarded to him vide order dated 4.3.97. This punishment of censure

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1. Was set aside by Sr. Additional Commissioner of Police (Intelligence), respondent no.3 keeping in view the fact that applicant had also absented himself from duty unauthorisedly on 44 occasions earlier and further ordered a regular departmental inquiry against him under Rule 25-B of Delhi Police (Punishment and Appeal) Rules, 1980. On the basis of the findings submitted by Inquiry Officer, the penalty of reduction in rank from ASI to Head Constable was imposed upon the applicant.

2. The applicant in this OA has stated that this exercise of power under Rule 25-B is bad in law since this Rule itself has been held to be ultra vires the provisions of Delhi Police Act as per the judgement of the Full Bench in OA-77/97 and connected matters dated 14.9.2000. Learned counsel for the applicant pleaded that Sr. Additional Commissioner of Police (respondent no.3) could not have exercised the power under Rule 25-B of Delhi Police (Punishment & Appeal) Rules and the action of the respondents in passing the impugned order is void ab initio.

3. Confronted with the judgement of the Full Bench referred to above, Shri Pandita, learned counsel for the respondents could not satisfy us as to the validity of the impugned orders dated 29.7.97, passed by respondent no.3 and dated 4.5.98, passed by respondent no.2.

4. In the result, this OA is allowed and the impugned orders dated 29.7.97 and 4.5.98 are quashed. Respondents are directed to re-instate the applicant as

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Assistant Sub-Inspector with all consequential benefits like salary and seniority etc. These directions should be implemented within a period of two months from the date of receipt of a copy of this order. No costs.

S. A. T. Rizvi

(S. A. T. Rizvi)
Member (A)

Kuldeep Singh

(Kuldeep Singh)
Member (J)

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