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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No.764/98

New Delhi: this the 21st day of April, 1998.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER(J)

Shri Dalip Singh,
R/o Village Fair Alipur,
P.O.Narnaul, Distt.Mohindergarh,

Haryana

..... Applicant.

(By Advocate: Mrs. Sumedha Sharma)

Versus

1. Lt. Governor,
through Chief Secretary,
Delhi Admin. Delhi.
 2. Commissioner of Police,
Police Headquarter, ITD,
MSO Building,
I.P.Estate,
New Delhi.
 3. Sr. Addl. Commissioner of Police,
(AP & T), Police Headquarter,
ITD, MSO Building,
I.P.Estate,
New Delhi.
 4. Dy. Commissioner of Police,
Xth Bn. DAP,
Kingsway Camp,
New Police Lines,
Delhi.
- Respondents.

JUDGMENT

BY HON'BLE MR.S.R.ADIGE VICE CHAIRMAN (A)

Applicant impugns respondents' orders
dated 19.9.95 (Annexure-E); 20.5.96 (Annexure-A);
and 27.5.97 (Annexure-B).

2. Applicant was proceeded against
departmentally for unauthorised absence from duty
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and was dismissed from service vide order dated 26.10.87, which order was upheld in appeal vide order dated 14.2.88. He approached CAT PB vide OA No.802/90 which was allowed by judgment dated 23.5.94 on the ground that the requirements of Rule 8(a) and Rule 10 Delhi Police (P & A) Rules were not satisfied. Respondents were directed to reinstate applicant and pass a fresh penalty order other than dismissal/removal in accordance with law.

3. Against that order, respondents filed SLP No.12208/95 in the Hon'ble Supreme Court who upheld the Tribunal's decision vide judgment dated 12.5.95. Applicant was thereupon reinstated in service vide order dated 14.8.95 and the disciplinary authority after giving hearing to the applicant on 6.9.95 imposed the punishment of forfeiture of 5 years' approved service for a period of five years permanently vide his order dated 19.9.95 and absence period from 26.10.87 to 18.8.95 was ordered to be treated as not spent on duty.

4. Aggrieved by the aforesaid order applicant filed an appeal. Disagreeing with the aforesaid punishment order the Disciplinary Authority acting under Rule 25 (1) (d) Delhi Police (P & A) Rules issued a notice to applicant on 9.4.96 to show cause why the punishment should not be enhanced to reduction in rank from Head Constable to Constable. Applicant

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submitted his reply on 30.4.96 and after considering the same the appellate authority by his detailed, speaking and reasoned order dated 20.5.96 (Annexure-A) set aside the Disciplinary Authority's order dated 19.9.95 and imposed the punishment of ^{reduction} ~~reducing~~ ⁱⁿ ~~applied~~ in rank from Head Constable to Constable for a period of 5 years which has been upheld in revision on 27.5.97 (Annexure-B).

5. The first ground taken is that the impugned appellate and revision orders are bad in law, malafide and arbitrary. No malafides have been alleged against either the appellate or the revision authority in the body of the OA., and nothing has been shown to suggest why they are bad in law. They are reasoned, speaking and detailed orders and cannot be said to be arbitrary. This ground is rejected.

6. The next ground taken is that the Disciplinary Authority's order is illegal and vague and violative of Rules. The Disciplinary Authority's order dated 19.9.95 has been set aside by the appellate authority and does not stand. Hence this ground also has no merit.

7. The next ground taken is that the appellate authority's order is unreasonable and shows non-application of mind. A mere perusal of the same makes it clear that this contention is baseless.

8. The next ground taken is that while ordering reduction in rank the Disciplinary Authority should have mentioned that "the officer concerned is unfit for a particular rank." The appellate authority has clearly mentioned that applicant in fact

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deserved to be dismissed, but however he was ordering reduction in rank. This is compliance of Rule 10 Delhi Police (P&A) Rules and is fully in accordance with the Hon'ble Supreme Court's judgment dated 12.5.95 in SLP No.12208/95. This ground also fails.

9. The next ground taken is that the appellate authority has not given reasons for his order. This contention has already been found to be baseless.

10. The contention that the punishment is excessive, is also without merit, and in any case the Tribunal cannot go into the quantum of punishment vide Hon'ble Supreme Court's ruling in UOI Vs. Parmananda AIR 1989 SC 1185.

11. Lastly it has been urged that the revisionary authority's order is biased and malafide, and is against natural justice because at one stage he was the appellate authority. We note that applicant had himself filed the revision petition (Annexure-C) to the Commissioner of Police who was the competent authority and under the circumstance there is no illegality warranting our interference, even if that authority was at one stage the appellate authority.

12. The OA is dismissed in limine.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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