

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

- 1) O.A. NO.1233/1995
- 2) O.A. NO.1438/1995
- 3) O.A. NO.1521/1995
- 4) O.A. NO.1645/1995

New Delhi this the 18th day of August, 1999

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI N. SAHU, MEMBER (A)

1) O.A. NO.1233/1995

Ex. Const. Ashok Singh No.1794/DAF
S/O Gopal Singh.
R/O Goverdhan Gate, Kumber.
P.O. & Teh. Kumhor,
Distt. Bharatpur,
Rajasthan.

Advocate : S. S. Tiwari

(By Shri S. S. Tiwari, Advocate)

-Versus-

1. Govt. of N.C.T. of Delhi
through Commissioner of Police
Police Headquarters,
I.P. Estate, New Delhi
2. Addl. Commissioner of Police
AP&T. Police Headquarters
New Delhi.
3. Dy. Commissioner of Police
2nd Bn. DAP, Kingsway Camp
Delhi.

(By Shri Anil Sehgal for Shri Anoop Bagh - Advocate)

Advocate : Anil Sehgal

2) O.A. NO.1438/1995

Prem Ram S/O Dhanji Ram
R/C Flat No.547 LIG Flats
Sanjay Enclave,
Near GTK Depot, Jahangir Pur.
Delhi-110033.

Advocate : S. S. Tiwari

(By Shri Shankar Raju, Advocate)

-Versus-

1. Commissioner of Police
Delhi Police Headquarters
MSO Building, I.P.Estate.
New Delhi-110002.
2. Addl. Commissioner of Police (AP&T)
Delhi,
Police Headquarters,
MSO Building, I.P.Estate.
New Delhi-110002.

3m.

3. Principal, Police Training School
Jharoda Kalan,
New Delhi.

(By Shri Girish Kathpalia, Advocate)

3) O.A. NO. 1521/1995

Kanwar Pal S/O Pritam Lal Sharma
R/O VIII, Jaharpur,
P.O. Hetalpur, P.S. Jappal
Distt. Aligarh (UP).

Respondents

Appellants

(By Shri Shankar Raju, Advocate)

-Versus-

1. Commissioner of Police, Delhi,
Delhi Police Headquarters
MSO Building, I.P.Estate,
New Delhi.

2. Addl. Commissioner of Police,
AP&T. Police Headquarters
MSO Building, I.P.Estate,
New Delhi.

3. Dy. Commissioner of Police
8th Bn. DAP,
DAP Lines, Malviya Nagar
New Delhi.

Respondents

(By Shri Vijay Pandita, Advocate)

4) O.A. NO. 1645/1995

Abhimanyu (508/L) S/O Parmanand
(Ex. Constable),
R/O VIII, Pahlad Pur (Bangar)
P.O. Bangar, P.S. Samaipur Badli
Delhi.

Appellants

1. Commissioner of Police,
Delhi Police Headquarters
MSO Building, I.P.Estate
New Delhi-110002.

2. Addl. Commissioner of Police,
Rashtrapati Bhawan,
New Delhi.

3. Dy. Commissioner of Police
(Provisioning & Lines),
Rajpur Road,
Delhi.

Respondents

(By Shri Girish Kathpalia, Advocate)

Jm

O R D E R

Shri Justice K. M. Agarwal :

In all these O.A.s. the applicants have made a prayer for quashing the orders of dismissal from service passed against them and affirmed by the appellate authority.

2. Briefly stated, the applicants were Constables in Delhi Police. For their unauthorised absence on several occasions they were chargesheeted for such unauthorised absence. The charges were found proved and accordingly they were dismissed from service. The appeals preferred by them were dismissed. Hence, they have filed the aforesaid O.A.s. for the said reliefs.

3. After hearing the learned counsel for the parties and perusing the records, we are of the view that all these cases are quite distinguishable from the case before the Supreme Court in STATE OF PUNJAB v. BAKSHISH SINGH. JT 1998 (7) SC 142. In the case before the Supreme Court the disciplinary authority had condoned the misconduct by directing the period of unauthorised absence to be regularised by treating as period spent on leave without pay. In the present cases, the periods were not directed to be treated as leave without pay. On the contrary, the directions were as follows:-

Jm

1. O.A. No. 1233/95

"He will not be entitled for any salary for the period of his unauthorised absence as shown in para 1 above."

2. O.A. No. 1438/95

"The period of his absence without permission i.e. 1.11.91 till date preceding the date of issue of this order be treated as unauthorised entailing loss of pay and allowances for the period of said absence."

3. O.A. No. 1521/95

"His absence is ordered to be treated as not spent on duty."

4. O.A. No. 1645/95

"The entire period of his wilful and unauthorised absence i.e. from 1.12.92 to 25.2.93 (87 days) and from 30.7.93 to the date of issue of this order is ordered to be treated as 'NOT SPENT ON DUTY' for all intents and purposes."

Under these circumstances, we are of the view that in the light of the Full Bench decision of this Tribunal in VIRENDER KUMAR v. COMMISSIONER OF POLICE, DELHI O.A. No. 139/92 and 18 connected matters decided on 28.7.1999, all these O.A.s deserve to be dismissed.

4. In the result, all these O.A.s are dismissed. They are hereby dismissed but without any order as to costs.

(K. M. Agarwal)
Chairman

(N. Sahu)
Member (A)

/sns/

Attested
19/8/95

(S. M. SHARMA)
Private Secretary
Central Administrative Tribunal
Principal Bench, Faridkot House
New Delhi-110001