

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.2320/1995

New Delhi this the 16th day of August, 1999.

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

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Surat Singh S/O Chet Ram,  
R/O Vill. & P.O. Kasandhi,  
Tehsil Gohana,  
Distt. Sonapat (Haryana)

... Applicant

( By Shri S. M. Rattan Paul, Advocate )

-Versus-

1. Lt. Governor of Delhi through  
Chief Secretary, Govt. of National  
Capital Territory of Delhi,  
5, Sham Nath Marg, Delhi.
2. Commissioner of Police,  
Delhi Police Headquarters,  
New Delhi.
3. Senior Addl. Commissioner of Police,  
New Delhi Range,  
Delhi Police Headquarters,  
New Delhi.
4. Addl. Dy. Commissioner of Police,  
East District, Delhi. ... Respondents

( By Const. Sunder Singh, Deptt. Representative )

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

The applicant has challenged the order of dismissal passed by the disciplinary authority and affirmed in appeal by the appellate authority.

2. Briefly stated, the applicant was a Constable in Delhi Police. For his unauthorised absence from service he was dchargesheeted. He was found guilty of the misconduct alleged and accordingly dismissed from service. The period of absence was also condoned by directing it to be treated as period spent on leave without pay. The order of dismissal

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was affirmed in appeal. Being aggrieved, the applicant has filed the present O.A. for the aforesaid relief.

3. After hearing the learned counsel for the applicant and the departmental representative and perusing the record, we are of the view that after condoning the unauthorised absence, the respondents could not punish the applicant for the misconduct which was condoned, in view of the decision of the Supreme Court in STATE OF PUNJAB v. BAKSHISH SINGH, JT 1998 (7) SC 142. For this reason, the order of dismissal from service deserves to be quashed.

4. Under the said circumstances, this O.A. succeeds and it is hereby allowed. The order of dismissal from service passed by the disciplinary authority as affirmed in appeal by the appellate authority is quashed. The respondents are directed to reinstate the applicant in service within a period of one month from the date of receipt of a copy of this order. He shall not be entitled to any salary for the period of unauthorised absence and subsequent period from the date of the impugned order to the date of his reinstatement pursuant to this order. No costs.

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( K. M. Agarwal )  
Chairman

*R. K. Ahooja*

( R. K. Ahooja )  
Member (A)

/as/