

Central Administrative Tribunal, Principal Bench

Original Application No.271 of 1995

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

Hon'ble Mr. S. R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

SI. Partap Singh No. D/2607
S/o Lt. Sh. Jagdish Prashad,
aged about 49 years. presently
posted in F.R.R.O.
R/o Qtr. No. 3 Type-III,
P.S. Mangolpuri,
New Delhi-110083

...Applicant

Versus

1. The Lt. Governor of N.C.T. of Delhi/
Union of India,
(through Commissioner of Police)
Police Head Quarters,
M.S.O. Building,
I.P. Estate, New Delhi
2. The Additional Commissioner of Police
(Operation)
Police Headquarters, M.S.O. Building,
I.P. Estate, New Delhi

...Respondents

ORDER (Oral)
Hon'ble Sh. S.R. Adige, V.C. (A)

Applicant impugns the Disciplinary Authority's
order dated 19.11.93 (Annexure A-1) and the Appellate
Authority's order dated 27.5.94 (Annexure A-2).

2. Applicant was proceeded against departmentally on
the allegation that on the intervening night of 10/11-5-1992,
while detailed for duty at I.G.I. Airport, New Delhi as a
Clearing Officer, a currency note of Rs. 100/- was found under
the key board allotted to him. On enquiry applicant stated
that one of the ~~passenger~~ ^{passenger} had left the same on the counter. He was
asked by the Inspector to leave the counter and stay there but,
applicant instead of remaining there disappeared and came back
after 15 minutes, saying that he had gone to the bathroom.

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3. The Inquiry Officer in his finding dated 23.4.93 (Annexure A-3) has held the charges against applicant proved. A copy of the Inquiry Officer's report was forwarded to applicant for representation, if any.

4. Applicant submitted his representation, on receipt of which, Disciplinary Authority, after giving applicant a personal hearing and perusing the material on record imposed penalty of reduction in pay by 4 stages by order dated 19.11.93 (Annexure A-1) against which applicant filed an appeal, which was rejected by appellate authority vide order dated 27.5.94 (Annexure A2), which gives rise to filing of this O.A.

5. Various grounds have been raised in the O.A., One of the grounds pressed by the applicant's counsel, Sh. Sankar Raju is that the impugned order dated 19.11.93 was signed by the Sh. S.K. Jain, [^]FRRO, who was also Deputy Commissioner of Police on that date, but he had not been vested with the powers of imposing the penalty, as this power was vested only on 21.1.98, vide notification of aforesaid date.

6. In this connection, he relies upon the C.A.T. (P.B) order dated 13.7.2000 in O.A. 855/99, Sh. S.K. Mishra Vs. Union of India & ors, wherein it has been held that the [^]FRRO was not conferred with the disciplinary powers prior to 21.1.98.

7. Nothing has been shown to us by the respondents' counsel to establish that the aforesaid order dated 13.7.2000 has been stayed, modified or set aside.

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8. In the result, for the reasons contained in the aforesaid order dated 13.7.2000 in S.K. Mishra's case (supra), the O.A. succeeds and is allowed. ~~and~~ ¹ The impugned orders are quashed and set aside and the applicant should be released the withheld amount. These directions should be implemented within three months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)

Member (J)

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(S.R. ADIGE)
Vice Chairman (A)