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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

- 1) O.A. NO. 813/1995
- 2) O.A. NO. 1134/1995

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. 813/1995

Const. Naresh Kumar S/O Raghubir Singh,
R/O Vill. Chamla,
New Delhi.

... Applicant

(None for Applicant)

-Versus-

1. Lt. Governor of Delhi,
Raj Niwas, Rajpur Road, Delhi.

2. Addl. Commissioner of Police,
Security, R. P. Bhawan,
New Delhi.

3. Dy. Commissioner of Police (Pror & Lines),
Police Headquarters,
I.P.Estate,
New Delhi.

... Respondents

(By Shri S. K. Gupta for Shri Amresh Mathur, Adv.)

2. O.A. NO. 1134/1995

Narender Kumar S/O Sewa Ram,
R/O Vill. Tanda Majra,
P.O. & P.S. Budhana,
Muzaffarnagar. UP.

... Applicant

(None for Applicant)

-Versus-

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

2. Addl. Commissioner of Police,
Armed Police & Training,
Police Headquarters,
MSO Building, I.P.Estate,
New Delhi-110002.

3. Dy. Commissioner of Police,
10th Bn., Delhi Armed Police,
Delhi.

... Respondents

(By Shri S. K. Gupta for Shri Amresh Mathur, Adv.)

Jm

O R D E R

Shri Justice K. M. Agarwal :

Applicants in these two O.As. have challenged their orders of dismissal from service passed by the disciplinary authority and affirmed by the appellate authority.

2. Briefly stated, the applicants were Constables in Delhi Police. They were chargesheeted for their unauthorised absence. Charges were found proved and accordingly they were dismissed from service by the disciplinary authority. The appeals preferred by them were dismissed and, therefore, they have filed the aforesaid O.As. for the said reliefs.

3. After hearing the arguments and perusing the records, we find that after the orders of dismissal the periods of absence were directed to be treated either as extraordinary leave or leave without pay besides directing the suspension periods to be treated as periods not spent on duty. By thus regularising the periods of absence of the applicants, their misconducts were condoned and accordingly as held by the Supreme Court in STATE OF PUNJAB v. BAKSHISH SINGH, JT 1998 (7) SC 142, the punishments of dismissal from service could not be passed against the applicants on the ground of alleged misconducts which were condoned. Accordingly the impugned orders

Km deserve to be quashed.

4. In the result, these two O.As. succeed and they are hereby allowed. The impugned orders of dismissal from service passed by the disciplinary authority and affirmed by the appellate authority are quashed. The applicants shall be reinstated in service within one month from the date of receipt of a copy of this order, but they shall not be entitled to any salary for the periods of their absence or for the periods of suspension or for the periods from the date of their dismissal to the date of their reinstatement, because the applicants during those periods were absent and those periods were treated as extraordinary leave without pay or leave without pay. No costs.

(K. M. Agarwal)
Chairman

(N. Sahu)
Member(A)

/sns/

Attested

[Signature] 19/8/98

(S. K. SHARMA)
Private Secretary
Central Administrative Tribunal
Principal Bench, Faridkot House
New Delhi-10001