

Central Administrative Tribunal, Principal Bench

Original Application No. 1573 of 1996

New Delhi, this the 1st day of February, 2000

(9)

Hon'ble Mr. Justice Ashok Agarwal Chairman
Hon'ble Mr. R.K. Ahoja, Member (Admnv)

Dev Narain, S/o Sh. Laxmi Narain, R/o
1/284, Patel Park, Bahadurgarh, P.O. &
Post Bahadurgarh, Distt, Rohtak, Haryana. - Applicant

(By Advocate Shri Anil Singh)

Versus

1. Delhi Administration through its Chief
Secretary, 5, Sham Nath Marg, New
Delhi-54.

2. Commissioner of Police, Police Head
Quarters M.S.O. Building, I.P.Estate,
New Delhi.

3. Addl. Commissioner of Police, PHQ, MSO
Bldg, I.P.Estate, N.Delhi.

4. Deputy Commissioner of Police IX BN.
DAP, Delhi.

- Respondents

(By Advocate Shri Ajesh Luthra)

O R D E R (Oral)

By Agarwal, J.-

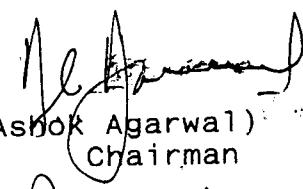
The present OA is liable to be allowed on the short ground that the disciplinary authority while imposing the penalty of dismissal from service on the ground of unauthorised absence from duty has treated the absence as leave without pay.

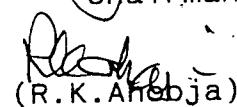
2. If one has regard to the decision of the Supreme Court in the case of State of Punjab Vs. Bakshish Singh, (1998) 7 SCC 142 the impugned order of penalty cannot be sustained on the ground that the respondents have regularised the unauthorised absence from duty by treating the same as leave without pay.

3. In the circumstances the impugned orders of the disciplinary authority dated 23.11.1993 and

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consequent order of the appellate authority dated 26.9.94 and the revisionary authority's order dated 21.5.1996 are quashed and set aside. The applicant will be entitled for reinstatement, However without back wages. No order as to costs.


(Ashok Agarwal)
Chairman


(R.K. Ahuja)
Member (Admn)

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