

Central Administrative Tribunal
Principal Bench.

O.A. No. 1773 of 1996

New Delhi, dated this the 17th January, 2000

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

(A)

1. Ex-Const. Vinay Kumar No. 432/A,
S/o Shri Om Parkash,
R/o 149, Papasian, Narela,
Delhi-110042.
2. Ex-Const. Suresh Kumar, No. 436/A,
S/o Shri Raj Singh,
R/o Vill. Bansru Khurd,
Dist. Rohtak (Haryana).
3. Ex-Const. Raj Kumar No. 491/A,
S/o Shri Zile Singh,
R/o WZ-530, Village Naraina,
New Delhi-110028.

... Applicants

(By Advocate: Shri Shankar Raju)

Versus

1. Union of India
through the Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Commissioner of Police,
Police Headquarters,
M.S.O. Building, I.P. Estate,
New Delhi.
3. Addl. Commissioner of Police,
(Operations),
Police Headquarters,
M.S.O. Building,
I.P. Estate,
New Delhi.

.. Respondents

(By Advocate: Shri Amresh Mathur)

ORDER (Oral)

By Hon'ble Mr. S.R. Adige, Vice Chairman (A)

Heard both sides.

2. It is not denied that by the Disciplinary Authority's impugned orders dated 17.2.95 (Annexure A-1) ~~by~~ ~~which~~ five police officials were dismissed from service and those dismissals were upheld by the

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(3)

Appellate Authority's impugned orders dated 15.4.98 (Annexure A-2). It is also not denied that two out of the five dismissed officials namely S/Shri Sube Singh and SI Shri Attar Singh had separately filed O.As bearing No. 1217/96 and 1113/96 which were heard and disposed of by common order dated 22.12.99 (Annexure MA-1) by which the impugned orders of the Disciplinary Authority as well as the Appellate Authority referred to above, were quashed and set aside, as being violative of Rule 16(1) Delhi Police (P&A) Rules, 1980 owing to the failure of Respondents to furnish to the delinquent officials the gist of the evidence which were to be tendered by the PWs.

3. As all the five dismissed officials were proceeded against and dismissed from service by the same order of the Disciplinary Authority, and those dismissals were upheld by the same order of the Appellate Authority and those orders have been set aside by the Tribunal's order dated 22.12.99 in O.A. No. 1217/96 and O.A. No. 1113/96, it is clear that the aforesaid order dated 22.12.99 will be applicable in the present case also, in the absence of any materials furnished by respondents, to compel us to take ^{^ a} differing view.

4. Under the circumstances following the Tribunal's aforesaid order dated 22.12.99 the remaining three applicants in the present O.A. namely S/Shri Const. Vinay Kumar, Const. Raj Kumar and Const. Suresh Kumar should be reinstated in


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service and their pay should be restored to them along with such arrears and such increments as are admissible to them in accordance with rules and instructions and judicial pronouncements.

5. It will be open to Respondents to continue the D.E. from the stage of supplying the gist of evidence tendered by each of the PWs. Respondents should conclude the D.e. as expeditiously as possible and preferably within three months from the date of receipt of a copy of this order. Upon conclusion of the D.E. Respondents should also take a final decision regarding the treatment of the suspension period.

6. The O.A. is allowed and disposed of in terms of what has been stated in Paragraph 4 and 5 above. There shall be no order as to costs.


(Kuldip Singh)
Member (J)

/GK/


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