

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.2023/1996

New Delhi this the 30th day of September, 1999.

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

HON'BLE SHRI S. P. BISWAS, MEMBER (A)

Inspr. Chander Bhan Sharma  
No.D-I/399 S/O R.S.Sharma,  
R/O H-I/1, Police Colony,  
Andrews Ganj,  
New Delhi.

... Applicant

( By Shri Shankar Raju, Advocate )

-Versus-

1. Union of India/Lt. Governor,  
N.C.T. of Delhi,  
PHQ M.S.O.Building,  
I.P.Estate, New Delhi.
2. Addl. Commissioner of Police,  
Operations, P.H.Q., M.S.O.Building,  
I.P.Estate,  
New Delhi.
3. Commissioner of Police,  
P.H.Q., M.S.O. Building,  
I.P. Estate,  
New Delhi.

... Respondents

( By Shri K. K. Singh for Shri Raj Singh, Advocate )

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

By this O.A., the applicant has challenged the order of punishment passed by the disciplinary authority and modified by the appellate authority.

2. The applicant was an Inspector in the Delhi Police. He was chargesheeted for certain misconduct along with one Inspector Amar Singh. After conclusion of the departmental enquiry, the disciplinary authority was pleased to award the punishment of withholding of one increment for two years to the

U applicant. Inspector Amar Singh was also found guilty but awarded the punishment of withholding of one increment for one year. Both of them preferred appeals. The appellate authority reduced the punishment of the applicant from withholding of increment for two years to withholding of increment for one year. Inspr. Amar Singh's penalty was also reduced by awarding him punishment of censure in place of withholding of increment for one year. Being aggrieved, the applicant has filed this O.A. for the aforesaid reliefs. 9

3. The learned counsel for the applicant submitted that the applicant as also Inspr. Amar Singh were found guilty of one and the same misconduct. Accordingly, the disciplinary authority and/or the appellate authority should not have given differential treatment to the applicant by imposing higher penalty on him as compared to that of Inspr. Amar Singh.


4. The learned counsel for the respondents tried to support the impugned orders of the disciplinary authority and the appellate authority by submitting that in the facts and circumstances of the case, punishment awarded to the applicant was proper.

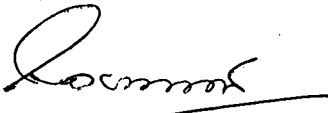
5. After perusing the record and hearing the learned counsel for parties, we are of the view that unless special reasons were given, the disciplinary authority or the appellate authority could not have

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given different punishments to the applicant and his co-accused, Inspr. Amar Singh. We do not think it proper to look into the materials to make our own assessment as to whether the misconducts alleged against the two persons were of the same intensity or of different intensities calling for different punishments to them. In the facts and circumstances of the case, we think it just and desirable to send back the case to the appellate authority to reconsider the appeal of the applicant if he also deserved censure in place of stoppage of increment for one year like his co-accused Inspr. Amar Singh. If it is found that he was liable to be given some higher punishment than that of his co-accused, Inspr. Amar Singh, reasons in that regard shall be given.

6. In the result, this O.A. partly succeeds and it is hereby partly allowed. The appellate order dated 12.8.1996, Annexure A-1(a), passed by the 3rd respondent is set aside with a direction to re-consider the appeal of the applicant in the light of our observations aforesaid. No costs.

  
( K. M. Agarwal )  
Chairman

  
( S. P. Biswas )  
Member (A)

/as/