

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 512 of 1997

(5)

New Delhi, this the 11th day of August, 1997.

Hon'ble Dr. Jose P. Verghese, Vice Chairman(J)
Hon'ble Mr. N. Sahu, Member(A)

Jagbir Singh
Ex. Constable(Driver) No. 293/DAP,
S/o Sh. Roop Chand,
R/o Vill & P.O. Jakhoda,
P.S. Bahadur Garh,
Distt. Rohtak
Haryana

...Applicant

(By Advocate : Shri Shanker Raju)

Union of India : Through

1. The Secretary,
Ministry of Home Affairs,
North Block,
New Delhi
2. Sr. Addl. Commissioner of Police,
Armed Police & Training,
Police Head Quarters,
I.P. Estate,
M.S.O. Building,
New Delhi
3. Dy. Commissioner of Police,
1st Bn. DAP, New Police Lines,
K.W. Camp,
Delhi

... Respondents

(By Advocate : Shri S.K. Gupta, proxy
counsel for Shri B.S. Gupta)

ORDER (Oral)

Hon'ble Dr. Jose P. Verghese, Vice Chairman(J) -

The petitioner in this case was removed from service by an order dated 7.7.1995 and thereafter his appeal was rejected by an order dated 29.02.1996. The petitioner is challenging these two orders in this OA and after show cause notice, respondents have filed their reply.

2. The case of the petitioner is that the disciplinary authority as well as the appellate authority has committed a grave error of not recording a specific finding of any grave misconduct and also ^{not} have recorded a finding of complete unfitness for police duty which warranted removal from the service of the petitioner from their department. He has also relied upon the decision of the Hon'ble Supreme Court in the matter of Lt. Governor of Delhi & Ors. Vs. Dalip Singh cited in OA-78/92. This court while deciding the said OA by an order dated 26.07.1996 took note of the said decision and following the ratio as well as the direction, passed the following direction in the said OA as well. Since the matter is covered on all four scores, we would agree with the findings as well as the directions given by the coordinate Bench of this Tribunal and we would grant the same relief as has been given to the petitioner in OA-78/92 by an order dated 26.07.1996.

3. In the result, this OA is disposed of with the following directions:

(i) The respondents are directed to reinstate the applicant within two months from the date of receipt of a copy of this order.

(ii) The disciplinary authority shall within the same period pass a fresh order of penalty other than dismissal/removal from service. He

shall also pass appropriate orders regarding the intervening period from the date of dismissal till the date of reinstatement, in accordance with law.

No order as to costs.

Narasimha

(N. Sahu)
Member(A)



(Dr. Jose P. Verghese)
Vice Chairman(J)

/Kant/