

Central Administrative Tribunal: Principal Bench

O.A. No. 975/97

New Delhi this the 9th day of October, 2000 (9)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri V.K. Majotra, Member (A)

Sub-Inspector Abhinendra Jain No. D/2235
Presently posted at P.S. Darya Ganj,
Central Distt.

- Applicant

(By Advocate: Shri Shankar Raju)

Versus

1. Union of India
through its Secretary, Ministry of
Home Affairs, North Block,
New Delhi.
2. Commissioner of Police,
I.P. Estate, Police Head Quarters,
M.S.O. Building,
New Delhi.
3. Addl. Commissioner of Police,
Northern Range,
I.P. Estate, Police Head Quarters,
M.S.O. Building,
New Delhi.

- Respondents

(By Advocate: Mrs. Sumedha Sharma)

ORDER (Oral)

By Smt. Lakshmi Swaminathan, Member (J)

In the OA, the applicant has impugned the validity of orders passed by the respondents namely, the show cause notice issued under Rule 25-B of the Delhi Police (Punishment & Appeal) Rules, 1980, as amended, followed by the penalty order passed by the Additional Commissioner of Police dated 21.2.95.

2. Shri Shankar Raju, learned counsel for applicant, relying on recent Full Bench order of the Tribunal dated 14.9.2000 in Raj Pal Singh Vs. Union of India and others (OA-77/97 with connected cases) has submitted that Rule 25-B, ibid, has been held to be ultra vires the provisions of the Delhi Police Act,

1978. In the circumstances, he has submitted that the impugned orders passed purportedly in exercise of the powers conferred under Rule 25-B, *ibid*, are also invalid and have to be quashed.

3. We have heard Mrs. Sumedha Sharma, learned counsel, who does not dispute the above position, following the judgment in *Raj Pal Singh's* case (*supra*).

4. In the facts and circumstances of the case, the OA is allowed. The impugned show cause notice dated 20.12.94 and the order passed in review under Rule 25-B, *ibid*, as ~~amended~~, dated 21.2.95 are quashed and set aside. Consequently, the order dated 30.5.1996 rejecting the appeal filed by the applicant against the order passed by the Reviewing Authority under Rule 25-B, will also not be valid. In the circumstances, the applicant shall be entitled to consequential benefits in accordance with the relevant rules and instructions which shall be granted to him within four months from the date of receipt of a copy of this order. No order as to costs.

V.K. Majotra
(V.K. Majotra)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

cc.