

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.1033/97

New Delhi, this the 3rd day of October, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Shri S.P.Biswas, Member(A)

Ex. Sub-Inspector Brahm Singh No. 258/D,  
s/o Late Amer Singh, previously employed in  
Delhi Police, R/o D-7, Milap Nagar,  
Uttam Nagar, New Delhi. ....Applicant

(By Advocate: Shri Shankar Raju)

Versus

Union of India through

1. Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi.
2. Sr. Addl. Commissioner of Police,  
Armed Police & Training,  
Police Head Quarters, I.P.Estate,  
MSO Building, New Delhi.
3. Dy. Commissioner of Police,  
Xth Bn. DAP, Pritam Pura,  
Kingsway Camp, Delhi. ....Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R (ORAL)  
[Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)]

The petitioner in this case is challenging the order passed by the respondents on 29.11.1995 by which the services of the petitioners have been discontinued by an order of compulsory retirement under Rule 48 of the CCS (Pension) Rules, 1972. The petitioner had filed an appeal on 30.1.1996 and the same was rejected by an order dated 7.3.1996. Aggrieved by the said order, the petitioner filed this OA. The petitioner inter alia urged the ground that the constitution of the Review Committee has not been in accordance with the rule and, therefore, the order of

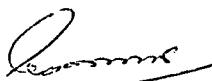
compulsory retirement and the appellate order cannot be stated to be in accordance with the rules and need to be quashed.

In reply, the respondents at para 4.20 have admitted that the screening Committee has been constituted by the D.C.P., being the appointing authority and the said Committee has been constituted after obtaining the clearance from the DCP (Vigilance) on 23.11.1995. It was stated by the petitioner that under the CCS (Pension) Rules the said Committee should have been constituted and headed by the Head of the Department or the appointing authority who-so-ever is higher being the Chairman of the said Committee. In this case, it is an admitted position that the DCP is not the Head of the Department nor is he higher than the Head of the Department. It is also provided in the said rule that in case the case under review has a vigilance angle, vigilance officer shall be necessarily a member of the Committee especially where there is no allegation of lack of integrity. Admittedly the vigilance Officer has not been a Member of the Committee. It is also not the case of the respondents that the Rules as stated above are not applicable.

In the circumstances, both the orders of the compulsory retirement and the appellate order are not in accordance with the rules and they are set aside granting liberty to the respondents to constitute the Committee in accordance with the Rules and proceed with the matter. The question whether petitioner is to be considered for re-instatement or not shall be deferred till the date of the final order i.e. after the review committee considered the case afresh. Appropriate orders for reinstatement

alongwith all consequential benefits also for the interregnum period shall only be passed alongwith the final order.

In the circumstances, this OA is disposed of with no order as to cost.

  
(S.P.Biswas)  
Member (A)

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