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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1497/1994

New Delhi this the 8th day of September, 1995

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

Hon'ble Shri R.K. Ahooja, Member (A)

Shri Mohinder Singh,

S/o Shri Jai Chand,
No. 6277/DAP,
1st Bn, DAP, Delhi,
Resident of H.No. 29, Chiragh Delhi,
New Delhi.

Applicant

(By Advocate: Shri Shankar Raju)

Vs.

1. Additional Commissioner of Police,
New Delhi Range, Police HQ,
I.T.O., New Delhi.

2. Deputy Commissioner of Police,
East District,
Shalimar Park,
East Distt. Rs
Delhi.

3. Inspector Ram Sewak,
Enquiry Officer,
Inspector/Vigilance,
East District, Police Lines,
Shalimar Park,
Delhi.

Respondents

(By Advocate: Shri Raj Singh)

O R D E R (Oral)

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

A penalty of reduction in rank from the rank of Head Constable to that of a Constable awarded to the applicant by Order dated 30.8.1993 which is confirmed by the Appellate Order dated 14.1.1992 is under challenge in this application. The above penalty was imposed on the applicant after duly held departmental enquiry on the allegation that the applicant drove a scooter without a valid licence met with an accident in which his colleague was fatally wounded and that he failed to take the injured to the

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hospital or to inform of the accident either to the higher authorities or to the members of the family of the deceased. A part of the accusation having been established the disciplinary authority awarded the penalty of reduction in rank of the applicant. His appeal was rejected.

2. Though several grounds have been taken by the applicant in the application, the learned counsel of the applicant stated that he is confining to one point viz. the unsustainability of the penalty of reduction in rank without specifying the period which the applicant was so reduced.

3. We have heard the learned on either side on this point. Rule 5 of the Delhi Police (Punishment and Appeal) Rules was amended on 4.9.1986. Prior to its amendment "Reduction in rank" was one of the penalties but by amendment this penalty was altered as "reduction in rank for a specified period". Since this penalty was imposed on the applicant on 30.8.1993 after the amendment, the disciplinary authority should have specified the period for which the applicant was reduced in rank. The Appellate Authority sought to justify the impugned order on the ground that reduction in rank without specifying a period amounted to permanent reduction which is specified. The learned counsel of the respondents also tried to support the impugned order on this ground. The meaning of the word "permanent" in Concise ^{Oxford} Dictionary is 'lasting or

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intending to last or function indefinitely". It is evident from the above meaning of the word "permanent" that it is indefinite. According to Rule 5 of the Delhi Police (Punishment & Appeal) Rules, after this amendment on 4.9.1986 the reduction in rank must be for a specified period and cannot be for a indefinite period. Therefore, we are of the considered view that the penalty ^{of reduction} in rank without specifying the period imposed on the applicant on 30.8.1993 is unsustainable. The Appellate Order is also bad for non application of mind to this legal position.

4. In the result we allow this application in part and direct the Appellate Authority to consider the appeal of the applicant in regard to the penalty of reduction in rank and take a decision in consonance with the provisions of Rule 5 of the Delhi Police (Punishment & Appeal) Rules within a period of two months from the date of receipt of this Order.

R. K. Ahooja
(R.K.Ahooja)
Member (A)

A. V. Haridasan
(A.V.Haridasan)
Vice Chairman (J)

Mittal