

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1574/94

New Delhi this the 20th day of October 1997

Hon ble Shri S.R. Adige, Vice-Chairman (A)
Hon ble Dr. A. Vedavalli, Member (J)

Ex-Constable Sunit Dutt (No. 1011/NE),
S/O Shri Narain Dutt,
R/O 13/112, Hardev Puri,
Gali No. 5,
Shahdara, Delhi-110093.

.....Applicant

(By Advocate: Shri Shyam Babu)

Versus

1. Additional Deputy Commissioner
of Police, North East District,
Seelam Pur Police Station,
Delhi.
2. Addl. Commissioner of Police (New
Delhi Range), Police Headquarters,
I.P. Estate, New Delhi.

....Respondents

(By Advocate: Shri Sunil Dutt,
Departmental Representative)

ORDER (Oral)

By Hon ble Shri S.R. Adige, Vice-Chairman (A)

Applicant impugnes the dismissal order dated
13.7.93 and appellate order dated 4.10.93 (Annexure-B).

2. Applicant alongwith Ex-Head Constable
Dheeraj Singh and Ex-Constable Satbir Singh were ^{jointly}
proceeded against ^{in a} departmental enquiry on the allegation
that the police staff posted at Bhopura Check Post on
18.9.92 extorted money from the Bus conductors/drivers on
the route between Ghaziabad to Saharanpur.

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3. Departmental proceedings were conducted against all three persons mentioned above, and they were dismissed by a common dismissal order dated 13.7.93 and their appeals were rejected by a common appellate order dated 4.10.93.

4. Ex-Constable Dheeraj Singh filed OA 80/94 while Ex-constable Satbir Singh filed OA 338/94. Both the OAs were heard on merits and disposed of by a common judgement dated 26.8.97, a copy of which is on record, wherein the impugned orders passed by the disciplinary authority, the appellate authority and the revision authority ~~imposed~~^{if any,} the penalty of dismissal from service on those two applicants was set aside and respondents were directed to reinstate ~~them~~ them within two months. It was made clear that those ^{two} applicants would not be entitled ^{to} back salaries for the period between the date of their dismissal and the date of their reinstatement, or seniority on the basis of the past services, but the period between the dismissal and the date of reinstatement would be considered as qualifying service for the limited purpose of pensionary benefits if any, payable to the applicants after their retirement.

5. Shri Shyam Babu stated at the bar that the aforesaid judgement dated 26.8.97 has been implemented by the respondents, and none has appeared on their behalf to oppose the extension of the aforesaid judgement to the present applicant also.

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6. In the circumstances we direct that the aforesaid judgement dated 26.8.97 in OA 80/94 Dheeraj Singh Vs L.G. Delhi and another and connected case will mutatis mutandis ~~be~~ be applicable in the present case also, and the present applicant will be entitled to the same benefit as has been granted to the applicants in Dheeraj Singh's case (Supra).

7. The OA stands disposed of accordingly.

No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S. R. Adige

(S. R. Adige)
Vice-Chairman (A)

cc.