

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1751/2000

This the 28th day of November, 2002.

(SN)

HON'BLE SHRI JUSTICE V.S.AGGARWAL, CHAIRMAN

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

ASI. Sube Singh,
P.S. Parliament,
Distt. Line, New Delhi.

... Applicant

(By Shri Arun Bhardwaj, Advocate)

-versus-

1. Union of India through
Lt. governor,
Govt. of NCT of Delhi,
Raj Niwas Marg, Delhi.

2. Joint Commissioner of Police,
New Delhi Range, Delhi Police Hqrs.,
MSO Building, IP Estate,
New Delhi-110002.

3. Deputy Commissioner of Police,
New Delhi Distt.,
New Delhi.

... Respondents

(By Shri George Paracken, Advocate)

O R D E R (ORAL)

Hon'ble Shri Justice V.S.Aggarwal, Chairman :

Earlier this Tribunal had recorded a finding that the Joint Commissioner of Delhi Police had no powers in disciplinary matters. The said order of this Tribunal has been set aside by the Delhi High Court and the matter has been remitted to this Tribunal.

2. Applicant, Sube Singh, is an Assistant Sub Inspector in the Delhi Police. In the departmental proceedings, the Deputy Commissioner of Police, New Delhi had passed the following order which reads :

18 Ag

....Therefore, I, Pranab Nanda, Dy. Commissioner of Police, New Delhi Distt. New Delhi using my powers of disciplinary authority vested in me under Rule 21 of Delhi Police Act, 1978, do hereby award a punishment of forfeiture of one year approved service of ASI Sube Singh, No.1533/ND now 3243-D, Const. Harminder Singh No.1095/ND now 1204/ND and Const. Phool Singh No.1019/ND, now 1201/ND for a period of one year permanently.

As such the pay of ASI is reduced by one stage from Rs.4400/- P.M. to Rs.4300/- P.M. in the time scale of pay of Rs.4000-100-6000 for a period one year from the date of issue of this order, the pay of Const. Harminder Singh No.1204-ND is reduced by one stage from Rs.3125/- P.M. to Rs.3050/- P.M. in the time scale of pay of Rs.3050-75-3950-80-4590 for a period of one year and the pay of const. Phool Singh No.1201-ND is reduced by one stage from Rs.3125/- P.M. to Rs.3050/- P.M. in the time scale of pay of Rs.3050-75-3950-80-4590 for a period of one year from the date of issue of this order. They will not earn increment of pay during the period of reduction and on the expiry of this period, the reduction will have the effect of postponing of their future increment of pay. They have already been re-instated in service vide DD No.39 dated 19.8.99 read with order No.5139-55/HAP/NDD dated 20.8.99. The period of suspension of ASI Sube Singh No.3243-D and const. Harminder Singh No.1204-ND from 16.7.98 to 19.8.99 and const. Phool Singh, 1201/ND from 22.7.98 to 19.8.99 are also treated as Not spent on duty. The period of dismissal from 8.5.92 to joining the department i.e. 16.7.98 by ASI Sube Singh and const. Harminder Singh and 22.7.98 by const. Phool Singh are also decided as dies-non on the principle of "No work no pay" contained in FR-17(i)."

3. The appeal filed by applicant has also since been dismissed. It becomes unnecessary for us to dwell into the other aspects of the matter, because our attention has been drawn towards the decision rendered by the Delhi High Court in the case of **Shakti Singh v. Union of India & Ors.**, CWP No.2368/2000 decided on 17.9.2002. In that case the punishment awarded was :

MS Ag

"The charge levelled against Insp. Shakti Singh, No.D-1/231 is fully proved... Thus, the pay of Insp. Shakti Singh, No.D-1/231 is reduced by five stages from Rs.2525/- to Rs.2100/- in the time scale of pay for a period of five years. He will not earn increment of pay during the period of reduction and on the expiry of this period, the reduction will have the effect of postponing his future increments of pay."



4. One of the arguments raised before the Delhi High Court was about rule 8(d) of the Delhi Police (Punishment and Appeal) Rules, 1980, and on strength of the same, it had been argued that it tantamounted to imposing double punishment on the delinquent. The said argument had been upheld by the High Court and the matter had been remitted to pass a fresh order.

5. Keeping in view the said position, which is not in controversy, we quash the impugned order passed by the disciplinary authority and also by the appellate authority. The matter is remitted to the disciplinary authority with a direction that the disciplinary authority will take up the loose threads and in accordance with law, from the stage where the impugned order was passed, will pass a fresh order, in terms of the decision referred to above. The said exercise be undertaken preferably within three months of the receipt of a certified copy of this order.

6. By way of abundant caution, it is made clear that no opinion is being expressed on merits of other matters, which have not gone into.



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7. Subject to the aforesaid, the OA is disposed
of.

V. K. Majotra

(V. K. Majotra)
Member (A)

V. S. Aggarwal

(V. S. Aggarwal)
Chairman

/as/