

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 354/2000

New Delhi this the 24th day January 2001

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

1. Head Constable Karamvir,  
S/o Shri Meer Singh,  
R/o Village & P.O. Kapasada,  
New Delhi-110\_037. Applicant

2. Head Constable Ved Parkash  
S/o Shri Bishamber Dayal,  
R/o H.No. 38, Chattar Pur,  
New Delhi.

(By Advocate : Shri Sachin Chauhan with  
Shri Rajeev Kumar)

Versus

1. Union of India  
Through its Secretary  
Ministry of Home Affairs  
North Block, New Delhi.

2. Commissioner of Police,  
Police Head Quarters, I.P. Estate,  
MSO Building, New Delhi.1

3. Addl. Commissioner of Police,  
Southern Range,  
Police Headquarters, IP Estate,  
MSO Building, New Delhi Respondents

(By Advocate : Shri Harveer Singh)

ORDER (Oral)

By S.R. Adige, VC (A)

Applicants impugn Show cause notice dated 14.1.1998 (Annexure A-1) and the Penalty order issued pursuant to the aforesaid Show cause notice on 2.6.1998 (Annexure A-2).

2. A perusal of the aforesaid impugned Show cause notice and impugned Penalty order reveals that the same have been issued purportedly in exercise of the powers vested under Rule

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25(B)(iii) of Delhi Police (Punishment and Appeal) Amendment Rules, 1994.

3. We have heard both sides.

3. Applicant's counsel has invited our attention to the order dated 14.9.2000 of the CAT Principal (Full Bench) in OA 77/97, Head Constable Raj Pal Vs. Union of India and connected cases, wherein it has been held that Rule 25(B) Delhi Police (Punishment and Appeal) Amendment Rules is ultra vires of the provisions of Delhi Police Act.

4. Nothing has been shown to us to establish that the aforesaid Ruling of the Full Bench has been stayed, modified or set aside.

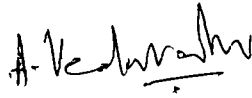
5. Under the circumstances, applying the aforesaid ruling to the facts and circumstances of this case, it is manifest that neither the impugned Show cause notice dated 14.1.1998, nor the impugned Penalty Order dated 2.6.1998, can be sustained in law.

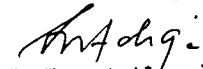
6. Under the circumstances, the OA is allowed and succeeds<sup>n</sup> to this extent that the impugned Show cause notice dated 14.1.1998 and the impugned Penalty Order dated 2.6.1998 are

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quashed and set aside. Such consequential benefits as flow to applicant, in accordance with rules, instructions, and judicial pronouncement should be extended to him within three months from the date of receipt of a copy of this order. No costs.

  
(Dr. A. Vedavalli)  
Member (J)

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

\*Mittal\*