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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 399/2000

New Delhi, this the 26th day of November, 2001

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)  
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sh. Narender Singh No.2717/PCR  
(PIS No.28861244)  
C/o Mrs. Avnish Ahlawat, Advocate  
243, Lawyers' Chambers, Delhi High Court  
New Delhi.  
Gali No.17, Sagar Photostudio,  
H.No. B-444, Sant Nagar,  
Burari, Delhi. .... Applicant  
(By Advocate: Sh. Mohit Madan proxy for  
Mrs. Avnish Ahlawat)

Versus

1. Govt. of NCT of Delhi  
through Commissioner of Police,  
Delhi Police  
Police Headquarters,  
New Delhi.
2. Additional Commissioner of Police,  
(PCR & Comrl.)  
M.S.O. Building, I.P. Estate,  
Delhi Police,  
New Delhi.
3. The Additional Commissioner (Control Room),  
Delhi Police,  
M.S.O. Building, I.P. Estate,  
New Delhi. .... Respondents  
(By Advocate: Sh. Ram Kanwar)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant, Narender Singh, had filed this OA as he is aggrieved of an order of punishment imposed upon him vide which forfeiture of 5 years of approved service permanently was awarded to him and his pay was reduced by 5 stages from Rs. ~~4700/-~~ <sup>3725/-</sup> p.m. to Rs. ~~4200/-~~ <sup>3350/-</sup> p.m. <sup>⊗</sup>

2. The allegations leading to holding of departmental enquiry was on the ground that on the night intervening 26/27th May, 1998, the applicant alongwith Head Constable Inder Singh

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⊗ Corrected vide  
order dt 23.1.2002

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No.101/PCR and Head Constable Dalbir Singh No.4006PCR were detailed for duty from 8 p.m. to 8 a.m. at 0-60 PCR Van No. DL1A-0360. They were having their base at Mall Road near Red Light where the staff of PCR Van was found extorting Rs.50/- from a Truck Driver, namely, Raju S/o Lal Man, R/o V&PO Jhatara, Teh. Aligarh, Distt. Etah U.P. All these were checked by Inspector Jagdish Kumar of North Zone PCR. H.C. Dalbir Singh was caught red handed and a currency note of Rs.50/- was recovered from H.C. Dalbir Singh. The statement of truck driver and his helper was also recorded. The alleged incident was recorded and all the persons were placed under suspension and a joint enquiry was held. All the three persons were awarded the same punishment. Each one of them filed a separate OA. The OA of the applicant was registered as 399/2000 whereas the OA filed by Dalbir Singh was registered as OA No.2697/99. The OA filed by the applicant was dismissed in limini whereas the OA filed by H.C. Dalbir Singh who was actually caught red handed and from whom the currency note of Rs.50/- was recovered was allowed by Court-I of the Principal Bench of the Tribunal. The applicant in the present OA filed a writ petition before the Hon'ble Delhi High Court pleadings all these facts and in the High Court the applicant had taken a particular plea that since Head Constable Dalbir Singh who was also involved in this very transaction and from whom the currency note of Rs.50/- was recovered, his OA has been allowed. The Hon'ble High Court on examining the case and finding that both these cases are similar and identical and that there was no reason for Tribunal to take different view so remanded back the case of


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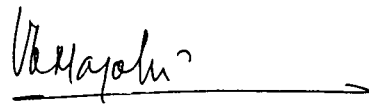
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the applicant so that an equal treatment be given to the applicant also and the case has been remanded for reconsideration for appropriate order.

3. We have heard the learned counsel for the parties and gone through the record. We would have preferred to hear the case on merits but Sh. Ram Kanwar, counsel for respondents pointed out that the judgment given in case of Dalbir Singh vide judgment dated 26.3.2001 whereby the penalty order has quashed, has been implemented by the department. In view of this further development we find no reason as to differ from the judgment and following the judgment given in OA No. 2697/97, we also find that this case of the applicant also deserves to be allowed. We quash the impugned order and we direct the same benefits be given to the applicant as given to the applicant in that case. OA is allowed. No costs.

  
( KULDIP SINGH )  
Member (J)

  
( V.K. MAJOTRA )  
Member (A)

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