

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.91/88

DATE OF DECISION:08.05.1992.

NARESH SINGH

...APPLICANT

VERSUS

UNION OF INDIA

...RESPONDENTS

CORAM:-

THE HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN (J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE APPLICANT

MRS. MUKTA GUPTA, COUNSEL.

FOR THE RESPONDENTS

NONE

1. Whether Reporters of Local Papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*

I.K. RASGOTRA
(I.K. RASGOTRA)
MEMBER(A)

arun
(P.K. KARTHA)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.91/88

DATE OF DECISION:08.05.1992.

NARESH SINGH

...APPLICANT

VERSUS

UNION OF INDIA

...RESPONDENTS

CORAM:-

THE HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN (J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE APPLICANT MRS. MUKTA GUPTA, COUNSEL.

FOR THE RESPONDENTS NONE

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE
MR. I.K. RASGOTRA, MEMBER (A)).

Shri Naresh Singh who is working as a Constable in the office of the Commissioner of Police, New Delhi has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, challenging the orders of Respondent No.3 dated 21.10.1986 and the appellate order dated 2.3.1987 passed by Commissioner of Police and the revision order dated 26.7.1987.

2. The necessary facts of the case are that the applicant joined Delhi Police on 15.05.1979. The applicant and Shri Chaman Singh, working as A.S.I. were chargesheeted for alleged unauthorised checking of vehicles on 27.3.1985 near Outer Ring Road, Wazirabad Bridge unauthorisedly and that they were found doing so by Dr. K.K. Paul, Deputy Commissioner of Police. Further at about 6.00 a.m. on 24.8.1985 the patrol party consisting of Shri D.P.Pandey, Traffic Inspector, S.I. Kishan Singh and S.I. Tek Chand

detected the applicant and the A.S.I. Chaman Singh again checking vehicles vehicles unauthorisedly near Rainey Well No.2 at Wazirabad. It was alleged that the applicant and the A.S.I., Chaman Singh were posted in Notice Branch and they had no business to be seen at the above said places and that therefore they committed grave misconduct. The disciplinary authority after considering the findings of the Enquiry Officer imposed the penalty of forfeiture of 7 years' approved service permanently entailing reduction in the pay of the applicant from Rs.260/- to Rs.225/- per month with immediate effect vide order dated 21.10.1986. The forfeiture of service of the applicant, however, was to be treated as qualifying service for the purpose of pension in accordance with Rule 14 of CCS (Pension) Rules, 1972. The appeal of the applicant was disposed of by the A.C.P. vide order dated 2.3.1987, upholding the penalty imposed by the disciplinary authority. The review petition filed by the applicant too was disposed of by the Commissioner of Police vide order dated 26.7.1987 stating that revision petition was bereft of merit and, therefore, did not deserve any interference at his level. The applicant has prayed for the following reliefs:-

- a) That the Hon'ble Tribunal may be pleased to set aside the departmental enquiry report. Order dated 21.10.86 imparting the punishment order dated 2.3.87 rejecting the appeal and order dated 26.7.87 rejecting the revision.
- b) That the Hon'ble Tribunal be pleased to treat the suspension period as on duty and also make the order of payment of all dues.
- c) That the Hon'ble Tribunal be pleased to order all consequential benefits to the petitioner.

3. We have heard the learned counsel for the applicant Mrs. Mukta Gupta. In absence of any appearance by the

S

respondents, we have perused their counter-affidavit carefully and gone through the other documents and papers on record. We are of the opinion that the issues of law and of fact raised in the present O.A. are identical to the one dealt with by us in **OA 1858/87 filed by Shri Chaman Singh Vs. Delhi Admn. decided on 24.3.1992.** Shri Chaman Singh was A.S.I, with whom the applicant is alleged to have collaborated in the alleged unauthorised checking of the vehicles. Keeping in view the facts and circumstances of the case, we are of the view that the applicant herein is entitled to the same reliefs which have been allowed to Shri Chaman Singh in **Chaman Singh (supra)** case decided on 24.3.1992. Accordingly, we allow the Application and set aside the impugned orders of disciplinary authority, appellate authority and the revisional authority and direct the respondents to restore the applicant to his original position in the grade of the Constable, as if the impugned orders of punishment had not taken effect. We further direct that the applicant shall be entitled to the payment of difference in salary during the period and also to treat the period under suspension as duty for all purposes. The above orders shall be implemented most expeditiously but preferably within 12 weeks from the date of communication of this order.

The O.A. is disposed of as above. No costs.

[Signature]
(I.K. RASGOTRA)
MEMBER (A) 8/5/1992

[Signature]
(P.K. KARTHA)
VICE-CHAIRMAN

May 8, 1992.