

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

O.A. No. 1430/90

New Delhi, dated the 23th Aug., 1994

CORAM

Hon'ble Shri S.R. Adiga, Member (A)

Hon'ble Smt. Lakshmi Swaminatha, Member (Judicial)

Shri Kedar Nath
R/o A-96, Police Colony,
Sakur Basti, P.S. Saraswati Vihar,
New Delhi-110034

... Applicant

(By Advocate Shri Ashok Aggarwal)

V/s

1. Delhi Administration
through Commissioner of Police,
Police Headquarter, D.P. Estate,
New Delhi.

... Respondent

(By Advocate Mrs Avnish Ahlawat)

JUDGMENT (ORAL)

(Hon'ble Shri S.R. Adiga, Member (A))

In this application, Shri Kedar Nath, Constable, Delhi Police has prayed for quashing ^{The} ~~impugned~~ word "issue" in paragraph 8(a) of the relief sought, should read quashed " as clarified by Shri Ashok Aggarwal, ld. counsel for the applicant) the impugned order dated 22.11.1989, passed in appeal, ^{by} ~~and~~ ^{which was} ~~considering~~ the order of the disciplinary authority ^{has been upheld by} dated 12.4.1989, for forfeiture of 5 years approved services ^{of the applicant and} permanently, entailing proportionate reduction in his salary for a period of 5 years, together with treatment of suspension period w.d.f. 20.2.88 to 4.5.88 as ^{period} ~~already~~ not spent on duty.

2. We have heard Shri Ashok Aggarwal, counsel for the applicant and MS Avnish Ahlawat, counsel for the respondents.

3. It is pointed out to us by both the learned counsel that the applicant Shri Kedar Nath, alongwith constable Shri Arvind Kumar and constable Shri Puran Singh were proceeded against in a joint departmental enquiry.

4. These proceedings ended in constable Puran Singh being exonerated. The applicants receiving the impugned penalty and constable Arvind Kumar receiving the penalty of dismissal from service. Constable Arvind Kumar challenged the penalty imposed vide OA No.22/94 which was decided by the Principal Bench of this Tribunal in judgment dated 1.6.94. That judgment while maintaining the findings of the enquiry authority, ^{remitted in} the case back to the Additional Commissioner of Police (the Appellate Authority) to reconsider the quantum of punishment imposed upon Arvind Kumar in the light of the observations made in the body of the judgment and thereafter pass a detailed speaking order giving reasons for the same.

5. Shri Agarwal prays that a similar direction be issue in the present case also, to which Mrs. Ahlawat has no objection.

6. Under the circumstances, we dispose of this O.A. by ^{the case} remitting ~~it~~ back to the Additional Commissioner of Police (Appellate Authority) with a direction to reconsider the

quantum of punishment levied upon the applicant in the present case in the light of the observations in Arvind Kumar's case (Supra) and pass a speaking order after giving detailed reasons in support of the same. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member (J)

S.R. Adige
(S.R. Adige)

Member (A)

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