

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

O.A. No. 1524/90

New Delhi, dated the 31st Aug., 1994

CORAM

Hon'ble Shri S.R. Adige, Member (Administration)

Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial-)

Shri Kafil Ahmed,

R/o F-110, New Seemapuri, Shahdara, Delhi-32

... Applicant

(By Advocate Sh. A.S. Grewal)

V/s

1. Lt. Governor of Delhi, through Chief Secretary, Delhi Adm. Delhi.
2. Commissioner of Police, Delhi
Delhi Police Headquarters, MSO Bldg.
I.P. Estate, New Delhi.
3. Addl. Commissioner of Police (A.P)
Delhi Police Headquarter, MSO Bldg,
I.P. Estate, New Delhi.
4. Dy. Commissioner of Police, 9th
Bn. D.A.P. Pitampura Police Lines,
Delhi.

... Respondents

(By Advocate Shri Raj Singh)

JUDGMENT (ORAL)

[Hon'ble Shri S.R. Adige, Member (Administrative)]

In this application, Shri Kafil Ahmed, Constable, Delhi Police, has impugned the order dated 23.5.89 (Ann.C) imposing a penalty of forfeiture of two years approved service temporarily for one year entailing proportionate reduction in his pay, which has been upheld in appeal vide order dated 6.3.90 (Ann.D).

2. A departmental enquiry was initiated against the applicant on the charge that he remained ^{closely} associated with constable Muzaffer Hussain Siddique in the management of Mosque and Madrasa, collecting funds for the said purpose which ^{he subsequently} ~~was~~ converted

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for his own use; and he also created a law and order problem, and also purchased a plot of land without informing the departmental authorities.

3. The Enquiry Officer conducted a detailed enquiry into the charges, and in his findings held that the charges against the applicant stood proved. Accepting the enquiry officers findings, the disciplinary authority imposed the impugned penalty which has been upheld by the Appellate Authority.

4. We have heard Shri A.S. Grewal, counsel for the applicant, and Shri Raj Singh, counsel for the respondents.

5. During, hearing, Shri Grewal did not seriously contest the findings of the enquiry officer or the penalty order passed by the Disciplinary Authority which has been upheld in appeal. He however, stated as the punishment imposed upon the applicant was temporary, and the period of punishment had since elapsed, the respondents should now consider the applicant for promotion as per his turn in accordance with Rules. Shri Raj Singh, did not oppose this prayer.

6. In the result, we do not interfere with the penalty order passed by the Disciplinary Authority which has been upheld in appeal. The respondents should however consider the case of the applicant for promotion as and when his turn come in accordance with Rules. This O.A. is disposed of accordingly. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

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(S.R. Adige)
Member (A)

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