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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.884 of 1990

This 25th day of July, 1994

Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

1. Smt. Mahadai
Widow of late HC Chander Bhan
Village Turkiawas,
District Rewari (Haryana)

2. Chander Singh

3. Birender Singh

4. Kum. Laxmi Devi

5. Ramesh

6. Kum. Punam

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Applicants

(Applicants 2 to 6 are minor children
of applicant No.1)

By Advocate: Shri V.P. Sharma

VERSUS

1. The Delhi Administration, through
The Chief Secretary,
Government of Delhi Administration,
Delhi.

2. The Commissioner of Police,
Police Headquarters, MSO Building,
I.P. Estate, New Delhi

3. The Addl. Commissioner of Police,
(Range), North Region,
Delhi.

4. The Addl. Deputy Commissioner of Police,
Central District,
Delhi.

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Respondents

By Advocate: Mrs. Avnish Ahlawat

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O R D E R (Oral)

Hon'ble Mr. J.P. Sharma, M(J)

Applicants are legal representatives of Hd. Constable Chander Bhan who was dismissed from service as a result of departmental enquiry held under Section 21 of Delhi Police Act ¹⁹⁷⁸ 1980 by the order dated 16.10.1988 on the basis of charge-sheet dated 14.5.1987 which was upheld by the appellate authority by the order dated 16.2.1989. The summary of allegations served on the deceased employee (Chander Bhan) consisted of two articles of charges. Firstly, that he absented himself on 5 occasions during the period 1985-86, first for certain hours, then for some days and lastly for 24 and 39 days. The second charge is that he gave a beating to one Chander Singh under the influence of liquor and also misbehaved with S.I. Kishan Lal of PS Daryaganj on 26.4.1986. On medical examination he was found under intoxication. The deceased did not participate in the disciplinary proceedings and the enquiry officer gave his findings holding the deceased employee guilty whereupon the Disciplinary Authority vide the impugned order dated 2.4.1988, after issuing show cause notice, confirmed the guilt and awarded the punishment of removal from service to the deceased. The deceased filed an appeal which also suffered the same fate. It appears that the deceased assailed the order of appellate authority under PPR which was earlier applicable to Delhi Police. However, he did not survive to hear the result and died a natural death on 10.12.1989. The legal heirs of the deceased employee, being the natural beneficiaries, have assailed the order of punishment.

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2. A notice was issued to the respondents who contested this application and stated that the applicants are not entitled to the reliefs prayed for.


3. We heard the learned counsel, Shri V.P. Sharma for the applicants and Mrs. Avnish Ahlawat for the respondents.


4. The learned counsel for the applicants, however, stated that with respect to the decision arrived at by the respondents in the departmental enquiry, he does not press the same but would like that the respondents should consider the case of the legal heirs of the deceased employee for award of family pension. We do find that the deceased employee died at young age leaving behind his young widow and five minor children. There is provision under Rule 41 of CCS (Pension) Rules 1972 for compensatory allowance given to the government servant who is dismissed or removed from service. This Rule 41 of CCS (Pension) Rules 1972 is also applicable in case of Delhi Police personnel. It empowers the competent authority to sanction ~~to~~ ~~sanction~~ a compensatory allowance not exceeding 2/3rd of pension or gratuity or both which would have been admissible to the employee if he had retired on compensation pension. The learned counsel for the applicants therefore wants to exhaust the remedy of making a representation in this light by the legal representatives of the deceased employee. The learned counsel for the respondents states that if such a representation is made by the applicants, the respondents shall consider the same with open mind with respect to the fact that the deceased employee was awarded a punishment of dismissal from service.

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5. We also do find that the respondents should consider the case of the legal representatives (applicants) of the deceased employee as they should not be allowed to suffer for the faults of their late bread earner who has left them marooned and with no other source of livelihood.

6. With the foregoing observations this OA is dismissed with no order as to costs.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)

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