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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O. A. NO. 1015/90

DECIDED ON : 1.1.1993

Ex. Head Const. Shri Krishan

... Applicant

Vs.

Delhi Administration & Ors.

... Respondents

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

THE HON'BLE MR. A. K. SINHA, MEMBER (J)

Applicant through Mrs. Avnish Ahlawat, Counsel

None for the Respondents.

J U D G M E N T ( O R A L )

Hon'ble Shri I. K. Rasgotra, Member (A) -

The learned counsel for the applicant referred to M.P. No. 1551/92 filed on 22.5.1992 and submitted that the case of the applicant in this O.A. is covered by the decision of the Tribunal dated 24.9.1991 in O.A. 1324/90 between Ex. Const. Aftab Ahmed vs. Commissioner of Police & Ors. We have perused the records and the said judgment carefully and find that the conduct of the applicant was enquired in a common inquiry conducted against Const. Aftab Ahmed, the applicant and one Const. Sultan Singh. The inquiry officer had come to the conclusion that "On the basis of testimony of PWs and DWs as discussed about there is no evidence, at all, against HC Siri Krishan whereas the charges framed against defaulters Ct. Aftab Ahmed and Ct. Sultan Singh stand proved beyond shadow of doubt."

2. All the three delinquent officials were dismissed notwithstanding the fact that the applicant herein was not found guilty by the inquiry officer. In the judgment rendered on 24.9.1991 in O.A. 1324/90 (supra) the Tribunal issued the following directions to the respondents :-

"14. In the conspectus of the facts and circumstances of the case, the application is allowed and it is disposed of with the following directions :-

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- (i) The impugned order dated 18.09.1989 of dismissal of the applicant from service passed by the Disciplinary Authority is set aside and quashed. The impugned orders passed by the Appellate Authority on 15.1.90 and passed by the revision authority on 14.5.90 are also set aside and quashed.
- (ii) The applicant will be deemed to have continued in service during the period from 18.9.1989 and will be entitled to all consequential benefits.
- (iii) The respondents shall comply with the above directions within a period of 3 months from the date of receipt of this order."

3. As the present case is on all fours with the case decided on 24.9.1991, the petitioner is entitled to similar reliefs as provided to ex. Constable Aftab Ahmed in O.A. 1324/90 (supra). Accordingly, the O.A. is disposed of with the following directions :-

- (1) The order of the disciplinary authority dated 18.9.1989 dismissing the applicant from service and the appellate order dated 15.1.1990 confirming the punishment imposed by the disciplinary authority <sup>are/</sup> ~~are~~ <sup>hereby</sup> set aside and quashed.
- (2) The applicant shall be deemed to have continued in service during the period from 18.9.1989 and will be entitled to all consequential benefits.
- (3) Respondents are further directed to implement the above orders most expeditiously and preferably within three months from the date of communication of this order. No costs.

Ashok Kumar Sinha,  
( A. K. Sinha )  
Member (J)

*I. K. Rasgotra*  
( I. K. Rasgotra )  
Member (A)

11/1/93

3-2-92

Sr. Anoop B