

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

(5)

RA No. 237/95
IN
OA No. 1552/91

New Delhi this the 2nd day of November 1995.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Anand Parkash
S/o Sh. Daya Nand
R/o Village Kairka P.O. Dutt Nagar
District Meerut, U.P. ...Applicant

(By advocate: Shri A.S.Grewal)

Versus

1. Commissioner of Police Delhi
Delhi Police Headquarters
MSO Building, IP Estate, New Delhi.
2. Additional Commissioner of Police
New Delhi Range, New Delhi.
Delhi Police Headquarters
MSO Building, IP Estate, New Delhi.
3. Deputy Commissioner of Police
North East Dist. Seelampur New Delhi. ..Respondents.

(By Advocate: Shri Vijay Pandita)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The petitioner was awarded a penalty of forfeiture of approved service of three years with reduction of pay by three stages from Rs. 1030 to Rs. 970 with cumulative effect. This order of penalty was impugned by the petitioner in OA No. 1552/91. This Tribunal by order dated 25th July 1995 finding no merit in the application dismissed the same. The petitioner has filed this Review Application seeking review of the order mainly on two grounds, the first ground is that the finding that the petitioner was on duty was erroneous and second is that the Tribunal has committed an error of law

(B)

in upholding the penalty which was against the provisions contained in Rule 8(d) of the Delhi Police (Punishment & Appeal) Rules and section 21 of the Delhi Police Act.

We have heard Shri A.S.Grewal, learned counsel of the petitioner and Shri Vijay Pandita for the respondents. The first ground, *prima facie* does not merit consideration at all. The finding on facts by the Disciplinary Authority which has been upheld by the Appellate Authority and refused to be intervened by the Tribunal cannot be made a ground for review. The second ground of the petitioner is also devoid of any merits. The petitioner was awarded the penalty of forfeiture of approved service which entailed a reduction in pay for a specified period. Rule 8(d) defines penalty of forfeiture of approved service. It has two limbs - one is forfeiture permanently and second which entails reduction in pay for a specified period either permanently or temporarily. It is not as if the two limbs of penalties specified in Rule 8 (d) are independent. Further arguments have been advanced by the learned counsel of the ^{Petitioners} ~~respondents~~ that there is an embargo in section 21 against awarding more than one penalty. A reading of the section 21 does not show that more than one penalty cannot be imposed on an ^{official} ~~petitioner~~.

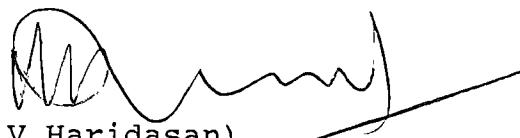
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Under the circumstances, we do not find any error apparent on the face of the record or other circumstances which warrant review of the impugned order.

In the result, the Review Application fails and the same is dismissed, leaving the parties to bear their own costs.

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(R.K. Ahooja)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)

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