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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2819/2004

New Delhi, this the 25th day of November, 2004

Hon'ble Mr. Justice V. S. Aggarwal, Chairman
Hon'ble Mr. S. K. Malhotra, Member (A)

A.S.I. Mahavir Singh Tyagi No.504B PCR (Retd.)
Son of Late Shri Roop Ram,
R/o, Village & Post Office Bhooni,
Distt. Meerut, U.P.

Also At:

RZG-700, Raj Nagar II,
Palam Colony,
New Delhi – 110 045.Applicant

(By Advocate Shri Ashwani Bhardwaj)

Versus

Commissioner of Police, Delhi,
Police Head Quarters, I.P. Estate,
New Delhi – 110 001.Respondents.

O R D E R (ORAL)

Hon'ble Mr. Justice V.S. Aggarwal

The facts can conveniently be delineated and the same are that the applicant who was an Assistant Sub-Inspector of Police, faced a trial with respect to an offence punishable under Section 5(2) of Prevention of Corruption Act (unrepealed). The Learned Special Judge held the applicant guilty for the said offence. The result was that services of the applicant were dismissed. He filed an OA 2737/1992. On 4.12.1997, this Tribunal had allowed the application, keeping in view the Rule 11(1) of Delhi Police (Punishment and Appeal) Rules. It was directed that the order dismissing the applicant is quashed. Meanwhile the applicant had superannuated on 31st July 1994. Therefore direction was given to take necessary action in accordance with law.

2. In the appeal that was filed by the applicant against the judgement holding him guilty of the offence and the order of sentence that was passed, the Delhi

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High Court on 19-01-2001 had set aside the judgement of the Learned Special Judge and acquitted the applicant.

3. By virtue of the present application, the applicant seeks a direction to the respondents to give all benefits of pay / allowance and seniority to the applicant. In pursuance of the order that has been passed on 27.4.2004.

4. As the rights of the respondents are not likely to be affected, we deem it unnecessary to issue a notice to show cause while disposing of the present petition.

5. Once the applicant had been acquitted as alleged and the respondents have already passed an order of 27.4.2004 confirming the applicant as Assistant Sub-Inspector from the back date, it is in the fitness of things that further action in this regard in accordance with law should be taken. Therefore, it is directed that the claim of the applicant should be considered and a composite order may be passed:

- a) If the applicant is to be granted full pay and allowances from the date he was suspended ;
- b) If the applicant can be considered for promotion in accordance with law ; and
- c) Nothing said herein should be taken as an expression of opinion on the merits of the matter.

6. This exercise should preferably be completed within four months because the applicant has already superannuated on 31.7.1994.


(S.K. Malhotra)
Member (A)


(V.S. Aggarwal)
Chairman

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