

9

Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.1230/2004

New Delhi, this the 4th day of February, 2005

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

**ASI Ranbir Singh,
No.4014/D, Delhi Police, Delhi
S/o Shri Khyali Ram,
R/o H.No.17/378, Gali No.I,
Mahavir Park, Bahadurgarh,
Dist. Jhajhar, Haryana**

....Applicant

(By Advocate: Shri Arvind Singh)

Versus

**1. Union of India,
Through Its Home Secretary(Police),
Through Commissioner of Police, Delhi
Police Head Quarter, I.P. Estate,
New Delhi.**

**2. Joint Commissioner of Police/OPS,
Police Headquarters,
I.P. Estate,M.S.O. Building,
New Delhi.**

**3. Addl. Deputy Commissioner of Police/Vth Bn, D.A.P.
Delhi Armed Police Lines, at Model Town,
Delhi**

....Respondents

(By Advocate: Shri Rishi Prakash)

Order(Oral)**Justice V.S. Aggarwal, Chairman**

The applicant faced disciplinary proceedings and on 9.5.2000, he has been awarded the following penalty:

"Under the circumstances and in view of above discussion I hereby award the punishment of forfeiture of one year's approved service permanently for a period of one year to Inspr. H.S. Bhardwaj No.D-I/43. Since the misconduct of ASI Ranvir Singh, No.4014/D was of gravest nature, hence I, forfeit his five years approved service permanently for a period of five years. Their pay is reduced from the stage of Rs.8700/- P.M. to Rs.8500/- P.M. of Inspr. H.S. Bhardwaj, No.D-I/43 and from Rs.5100/- P.M. to Rs.4600/- P.M. in respect of ASI Ranvir Singh, No.4014/D respectively in their time scale of pay with immediate effect. They will not earn the increments of pay during the period of reduction and that on the expiry of the period, the reduction will have the effect of postponing of their future increments of pay. Addl. SHO Inspr. Rohtash Singh, No.D/1822 has also been found careless and negligent in the discharge of his duties and a report is being sent separately to his disciplinary authority for suitable action against him."

His appeal has been dismissed.

2.The first and foremost question raised is that the penalty awarded violates rule 8 (d) (ii) of Delhi Police (Punishment and Appeal) Rules, 1980. In support of his claim, the learned counsel relied upon the decision of the Delhi High Court in the case of Shakti Singh vs. Union of India & ors. (Civil Appeal No.2368/2000) decided on 17.9.2002. A similar question came up for consideration before the Delhi High Court and it was held:

"Rule 8(d)(ii) of the said Rules is disjunctive in nature. It employ the word 'or' and not 'and'.

Pursuant to and/or in furtherance of the said Rules, either reduction in pay may be directed or increment or increments, which may again either permanent or temporary in nature be directed to be deferred. Both orders cannot be passed together.

LS Aggarwal


Rule 8(d)(ii) of the said Rules is a penal provision. It, therefore, must be strictly construed.

The words of the statute, as is well known, shall be understood in their ordinary or popular sense. Sentences are required to be construed according to their grammatical meaning. Rule of interpretation may be taken recourse to, unless the plain language used gives rise to an absurdity or unless there is something in the context or in the object of the statute to suggest the contrary.

Keeping in view the aforementioned basic principles in mind, the said rule is required to be interpreted."

3. Identical is the position herein. Resultantly, we allow the present application on this limited ground and quash the impugned orders. It is directed:

- (a) the disciplinary authority, if deemed appropriate, may pass a fresh order preferably within eight weeks from today;
- (b) consequential benefits, if any, should be accorded to the applicant; and
- (c) no opinion need be expressed on the other controversies.


(S.A. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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