

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2765/92

(14)

New Delhi this the 3rd day of March 1997.

Hon'ble Mr Justice K.M. Agarwal, Chairman

Hon'ble Mr N. Sahu, Member (A)

Amar Singh Chauhan
Ex Constable No.3331/PCR
S/o Chhide Singh
R/o village P.O.Kurali
Dist Meirut (U.P.)

...Applicant.

(By advocate: Shri Shyam Babu)

Versus

1. Delhi Administration & Anr through
its Chief Secretary
Rajpur Road
New Delhi-110 006.

2. Commissioner of Police
Police Headquarters
I.P.Estate
New Delhi-110 002.

...Respondents.

(By advocate: Shri Rajinder Pandita)

As per court order dt 15-4-97 MA 888/92
K 22/9
So 9426
5/20

ORDER (oral)

Hon'ble Mr Justice K.M. Agarwal, Chairman

Heard learned counsel for the parties.

This application under Section 19 of the Administrative Tribunals Act 1985 is directed against the order of termination dated 4th October 1991 passed by the Principal, Police Training School, Jaroda Kalan, New Delhi

2. It does not appear to be in dispute that the applicant was selected and temporarily appointed as Constable by order dated 7.8.91 and soon thereafter sent for training in the Police Training School, Jaroda Kalan, New Delhi. By the impugned order dated 4.10.91, his services were terminated with immediate effect but with one month's salary or notice period thereof. In his application, the applicant has alleged that allegations of

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misconduct were made against him and as a punitive measure, his services were terminated without holding any departmental enquiry.

3. In the counter, two incidents dated 29.9.91 and 27.8.91 were mentioned. But it does not appear clear on the basis of what incident it was decided by the Principal to dispense with the services of the applicant.

4. During the course of arguments, learned counsel for the applicant argued that the petitioner was appointed by the Deputy Commissioner of Police whereas the services were terminated by the Principal of the Training School who was not the appointing authority. He also referred to Rule 5 of the Central Civil Service Rules in support of his contention that only the appointing authority could terminate the services of the applicant.

5. In reply, the learned counsel for the department submitted that the Principal of the Training School also held the post equivalent to that of the appointing authority i.e. D.C.P. and accordingly he tried to justify the impugned order of termination.

6. After hearing the learned counsel for parties at length, we are of the view that the person holding the post of Principal of the Police Training School might have also held the equivalent post of D.C.P. but the impugned order shows that he has exercised his powers as Principal of the Police Training School and not as D.C.P. while terminating the services of the applicant. For this reason alone, the impugned order deserves to be set aside.

7. In the result, this application succeeds and it is hereby allowed. The applicant shall be reinstated in service forthwith with consequential benefits. The appointing authority will be at liberty to take appropriate decision or action on the basis of

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which the impugned order was passed earlier by the Principal,
Police Training School.

In the circumstances of the case, we make no order as to
cost in this application.

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(K.M. Agarwal)
Chairman

N. Sahu

(N. Sahu)
Member (A)

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