

(8)

Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.307/92

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE MR. R.K. AHOOJA, MEMBER(A)

New Delhi, this 10th day of October, 1996.

H.C. Narinder Singh,
No.292/W, District West,
Delhi Police, Delhi.
New Delhi.

Applicant

(through Mrs. Avnish Ahlawat, advocate)

versus

1. Lt. Governor, Delhi,
through Commission of Police,
Delhi Police, Delhi.
2. Addl. Commissioner of Police,
(Southern Range), Delhi Police Hqrs.,
New Delhi.
3. Addl. Dy. Commissioner of Police,
West District Delhi Police,
New Delhi.
4. Dy. Commissioner of Police (Hqrs-I),
Police Headquarter, Delhi Police,
New Delhi.

Respondents

(through Sh. Amresh Mathur, advocate)

The application having been heard on 10.10.96 the
Tribunal on the same day delivered the following:

ORDER

- Chettur Sankaran Nair(J), Chairman

Applicant challenges Annexure-P notice
directing him to show cause why his name should not be
removed from promotion list 'A' as he has failed to
maintain an exemplary standard of work and conduct.

2. Applicant joined the Delhi Police as a
Constable on 22.12.82 and was promoted as a Head
Constable on 19.8.87 by Annexure-A, under Rule 19(2) of
the Delhi Police (Promotion and Confirmation) Rules,
1980. This rule provides for granting out of turn
promotions, inter alia, to those Constables who show

outstanding devotion to duty. It is said that applicant apprehended two persons who were making way with cash of Rs.5 lacs and that this was the basis for granting him the promotion. Later years, changed the fortune of applicant and disciplinary proceedings were initiated against him. It culminated in reduction of pay by one stage without cumulative effect (Annexure-F). Appeal against Annexure-A was dismissed by Annexure-O. While matters remained at that, the impugned show cause notice was issued.

3. According to learned counsel for applicant Annexure-P is a disguise for a double punishment. However, counsel for respondents would try to justify Annexure-P notice with reference to Rules 12, 13 & 19 of the Rules aforesaid. A reading of Annexure-P shows that it is only a continuation of the disciplinary proceedings and lack of devotion to duty mentioned is what was the subject matter of the enquiry. Proceedings evidenced by Annexure-P suggest that a second punishment of denial of promotion or reversion is contemplated on account of the proceedings leading to Annexure-F. The same offence cannot attract a distinct and a second penalty in a different proceeding.

4. In the circumstances, we quash Annexure-B while making it clear that we have not expressed any opinion on the scope or ambit of Rules 12, 13 & 19 of

the Rules herein aforesaid. The application is allowed to the extent hereinabove mentioned. Parties will suffer their costs.

Dated, 10th October, 1996.

R. K. Ahooja
(R.K. Ahooja)

Chettur Sankaran Nair

(Chettur Sankaran Nair(J))

Member(A)

Chairman

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