

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 46/1992

New Delhi, this 24th day of April, 1995.

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Shri Prem Singh
s/o Shri Budh Ram
H.No.A-2/144, Sector 5, Rohini, New Delhi .. Applicant

(By Shri V.P. Sharma, Advocate)

versus

1. The Chief Secretary
Delhi Administration
Old Secretariat, Delhi
2. The Commissioner of Police, HQ.
Delhi Police, IP Estate, New Delhi
3. The Dy. Commissioner of Police
IGI Air Port, New Delhi .. Respondents

(By Shri Dinesh Agnani, Advocate)

ORDER (oral)

The applicant while functioning as Inspector under the Dy. Commissioner of Police, IG Airport, Delhi was suspended by order dated 30.1.91 (Annexure A/1 to the OA). The suspension continued upto 30.9.91. It is the case of the applicant that he had to attend roll call twice a day and for this purpose he had to travel from Rohini to PAP Lines, IG Airport and in the process he had incurred a heavy expenditure. He claims conveyance allowance of Rs.176/- per day based on the overall distance alleged to have been travelled by him. This OA has been filed for a declaration that the applicant is entitled for conveyance allowance from the date of suspension i.e. 30.1.91 till the date of revocation of suspension of the applicant.

2. The learned counsel for the applicant referred to the suspension order dated 30.1.91 which reads as under:

10

"With the prior approval of Addl. Commissioner of Police (Ops), Delhi conveyed vide Office Memo.No.327/P.Cell(Vig), P-VII dated 25.1.91, Insp. Prem Singh, No.D-I/32 is hereby placed under suspension with immediate effect.

During the period of first three months of his suspension, he will draw subsistence allowance at an amount equal to his leave salary which he would have drawn if he had been on leave on half average or half pay leave and in addition dearness allowance based on such leave salary and other allowances will be drawn as usual. In case the suspension exceeds beyond three months the orders for the grant of subsistence allowance will be reviewed under FR 53. He should deposit his uniform articles with clothing stores. During suspension, his headquarters will be PAP Lines."

3. It was argued that the above order does not bring out that the applicant had been transferred to PAP lines nor is there any mention that the normal normal place of residence has got changed.

4. On the above aspect, the learned counsel for the respondents referred to Annexures R-1 and R-2 attached to the reply filed by the respondents. Annexure R-1 is the notification dated 22.7.88 issued by the Joint Secretary(Home). This notification is published in the Delhi Gazette Part IV in pursuance of sub-section (1) (2) of Section 147 of the Delhi Police Act, 1978 and as an amendment to the Delhi Police (Punishment & Appeal) Rules, 1980. The relevant amendment to Rule 26 is as under:

"3(ii) A Police officer under suspension shall be transferred to the Lines, if not already posted there. He shall attend all roll calls and shall be required to perform such duties and to attend such parades as the Deputy Commissioner of Police may direct, provided that he shall not perform guard duty or any other duty entailing the exercise of the powers or functions of a police officer; shall not be placed on any duty involving the exercise of responsibility and shall not be issued with ammunition. A Police Officer under suspension shall ordinarily be confined to lines when off duty, but shall be allowed reasonable facilities for the preparation of his defence."

5. The contents of the above para have been incorporated in the Standing Order No.123/89 under the subject "Suspension".

11

6. It is the case of the respondents that in view of the published notification/Standing order, a police officer under suspension gets confined to lines when off duty and there is no need for any specific direction over and above the suspension order. In the case of the applicant, in the suspension order it is clearly brought out that his hqrs. is PAP lines. It was argued that there is no necessity for a separate order and the suspension order prescribing the hqrs. is self-contained. I agree with the stand taken by the respondents.

7. The learned counsel for the applicant then relied on a number of citations. These are quoted in grounds at para 5(a) to (e). It is not necessary to discuss the citations quoted in paras 5(a) to 5(d) since the orders do not relate to Delhi Police which has its own rules. Only the citation at para 5(e) relates to a case of Delhi Police. In this case the order was passed by this Tribunal on 4.5.89 in Jagdish Ram Kataria Vs. UOI in OA 2052/88. In para 9 of the judgement, it has been observed that the applicant in that OA had not been transferred to the lines; he was however permitted to continue to reside at his house in Mangol Puri which had given rise to the claim for reimbursement of the conveyance charges.

12

8. The learned counsel for the respondents correctly argued that the facts in the citation quoted are different since the suspension order dated 30.1.91 incorporated the change of hrs. as PAP lines. Hence ^{he} ~~the~~ even above citation does not help the applicant.

9. The suspension order and the notification incorporating the amendment to the police rules on the subject of suspension have already been discussed and in the absence of any challenge to the contents of these, the action of the Respondents in not granting the conveyance allowance cannot be faulted.

10. In the circumstances, the OA is dismissed without any order as to costs.

P. T. Thiruvengadam

(P.T.Thiruvengadam)
Member(A)

/tv9/