

Central Administrative Tribunal
Principal Bench: New Delhi

OA 702/92

12

New Delhi this the 17th day of February 1997.

Hon'ble Mr Justice B.C.Saksena, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

Shri Hukam Chand
S/o Shri Shiv Chand
R/o RZ-49 New Roshanpura Extension, N-Block
(Near BDO Office), P.S. Najafgarh
Delhi ...Applicant.

(By advocate:

Versus

1. Commissioner of Police, Delhi
Police HQs., M.S.O.Building
I.P.Estate, New Delhi.
2. Addl. Commissioer of Police/C.I.D.
Police HQs., M.S.O.Building
I.P.Estate, New Delhi.
3. Dy. Commissioner of Police
Crime & Railway
Police HQs., M.S.O.Building
I.P.Estate, New Delhi. ...Respondents.

(By advocate: Shri Rajinder Pandita)

O R D E R

Hon'ble Mr Justice B.C.Saksena, Vice Chairman (J)

Through this OA, the applicant seeks quashing of order dated 24.10.91 (Annexure A-1) and order dated 10.1.92 (Annexure A-2). The applicant also seeks a direction to be issued to the respondents to restore the applicant to the rank of Head Constable which he was holding on the date of the impugned order dated 24.10.91. He has further sought a direction to be issued to the respondents to treat the period of suspension of the applicant from 14.11.90 to 24.10.91 as the period spent on duty for all purposes. When the case came up on 13.2.97, none appeared for the applicant. Shri Rajinder Pandita, learned counsel, appeared for the respondents. We have heard Shri Rajinder Pandita, learned counsel for the respondents and have been taken through the pleadings and documents on record.

1
RCS

13

2. The applicant was posted in the Crime Branch of the Delhi Police on 10.11.90. He was on duty as daily diary writer on that day. It was alleged that he was checked by Shri Parbhati Lal, A.C.P., who allegedly found him under the influence of liquor while on duty. The applicant was placed under suspension by order dated 14.11.90 and a departmental enquiry was ordered. The Enquiry Officer submitted a report holding the applicant guilty of the charge. Ultimately, respondent No.3 passed an order imposing a punishment of forfeiture of 2 years' approved service permanently entailing reduction in pay by two stages from Rs. 1250 to Rs. 1200 p.m. in time scale of pay for a period of two years. In the impugned order, it was also mentioned that the applicant will not earn increment during the period of reduction and on expiry of the period, the reduction will have the effect of postponing his future increment of pay. The impugned order further imposed a punishment providing that the period of suspension was to be treated as period not spent on duty. Further, a punishment of reduction from the rank of Head Constable to the rank of Constable was also imposed.

3. The applicant has pleaded that the order of punishment imposes multiple punishmentg on him for a single lapse. Respondents in their counter affidavit, however, maintain that only one punishment has been imposed. This plea is clearly unsustainable. Section 21 of the Delhi Police Act indicates the various punishments that can be imposed. Out of these punishments, punishment of reduction in rank, forfeiture of approved service, reduction in pay, withholding of increment and treating suspension period as period not spent on duty, all of them cumulatively have been imposed on the applicant. Section 21 of the Delhi Police Act provides for the imposition

1
BCL





of any of the punishments enumerated in Section 21. The punishment imposed on the applicant viz. reduction in rank, forfeiture of approved service, reduction in pay, withholding of increment have separately been enumerated in Section 21 and it ^{provides} ~~terms~~ imposition of any of the punishment. The word 'any' as used in Section 21 is significant. It clearly implies that one out of the various punishments enumerated in Section 21 can be imposed. In any event, for a single lapse, so many punishments are not permissible to be imposed.

4. Since we are setting aside the order of punishment, it is not necessary to go into details on the challenge set out in the OA on the legality of the departmental proceedings and on the merits of the findings recorded by the enquiry officer. The OA succeeds as indicated above. The order of punishment dated 24.10.91 (Annexure A-1) and 10.1.92 (Annexure A-2) are quashed. The logical ^{consequence} ~~conclusion~~ of this would be that the applicant would be treated as having continued as Head Constable from the date of the order dated 24.10.91 and he would also be entitled to all the benefits in the matter of scales of pay and increment which he would have got had the impugned order not been passed.

5. The respondents shall restore the benefits to the applicant within 2 months from the date of receipt of a copy of this order. The OA succeeds and is allowed to the extent indicated above.

No costs.


(K. Muthukumar)
Member (A)


(B.C. Saksena)
Vice Chairman (J)