

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

New Delhi, dated this the 27th July, 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. P.C. KANNAN, MEMBER (J)

(19)

Sub Inspector D.A. No. 1164 of 1993

Sub Inspector S.S. Chauhan,
No. D/2476,
S/o Shri Pyare Lal,
presently posted in 6th BN., D.A.P.,
R/o Vill. & P.O. Bhiduki,
Tehsil Palwal,
Dist. Faridabad (Haryana). ... Applicant

(By Advocate: Shri Shankar Raju)

Versus

1. Delhi Administration,
through Addl. Commissioner of Police (SR),
Police Headquarters, M.S.O. Building,
I.P. Estate, New Delhi.
2. Dy. Commissioner of Police,
West District, Tilak Nagar,
New Delhi. ... Respondents

(By Advocate: Shri S.K. Gupta proxy
counsel for Shri B.S. Gupta)

D.A. No. 1256 of 1993

Shri Ram Singh,
S/o Shri Duli Chand,
House No. 1302, Gali No.22,
Swantantr Nagar, New Delhi.
presently Constable 6554/DAP,
VII BN., PTS Malviya Nagar,
New Delhi. ... Applicant

(By Advocate: Shri Shankar Raju)

Versus

1. The Lt. Governor/Administrator,
Government of NCT, Delhi
Raj Niwas, Marg, Delhi.
2. The Commissioner of Police,
M.S.O. Building, Police Headquarters,
New Delhi.
3. The Dy. Commissioner of Police,
North West District,
Delhi. ... Respondents

(By Advocate: Shri S.K. Gupta proxy
counsel for Shri B.S. Gupta)

A

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

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As these two O.As involve common question of law and fact they are being disposed of by this common order.

2. Heard both sides.

3. Respondents' counsel does not deny that the brief details of the evidence to be led by PWs (along with the list of PWs) required to be supplied to the applicant in accordance with Rule 16(1) Delhi Police (Punishment and Appeal) Rules, 1980 was not supplied to the applicant in either of the two O.As before us.

4. This very Bench in O.A. No. 1890/93 decided on 15.7.99 on the basis of other rulings on the subject, has held that this infirmity is fatal to the D.E. conducted under the Delhi Police (P&A) Rules, 1980.

5. Under the circumstances both O.As succeed and are in the both O.As allowed and the impugned orders of the Disciplinary Authority as well as the order of Appellate Authority are quashed and set aside. The reduced pays of applicants in both O.As are ordered to be restored within three months from the date of receipt of a copy of this order. It will be open to respondents to proceed against either of the applicants in accordance with law if so advised. No costs.

6. Let a copy of this order be placed in each case record.

P. C. Kannan
(P.C. KANNAN)
Member (J)

S. R. Adige
(S.R. ADIGE)
Vice Chairman (A)

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