

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

O.A.No.2248/93

New Delhi, this the 3rd day of July, 1999

(a)

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN(J)
HON'BLE MR.N.SAHU, MEMBER(ADMNV)

S.I. Surinder Dev No.D/1639
son of Late Shri Balwant Singh
aged about 40 years, resident of G-4
Police Post, Jungpura, New Delhi
presently posted at
I.G.I. Airport, New Delhi

....Applicant

(By Advocate: Shri Shankar Raju)

Versus

1. Delhi Administration
through Addl. Commissioner of Police,
Northern Range, Police Headquarters,
M.S.O. Building, I.P. Estate
New Delhi.

2. Dy. Commissioner of Police,
Central District, Daryaganj,
New Delhi-110002

....Respondents

(By Advocate: Sh.Raj Singh through proxy counsel Sh.K.K.Singh)

O R D E R

BY HON'BLE MR.N.SAHU, MEMBER(ADMNV)

The applicant in this O.A. impugns the order of punishment of the disciplinary authority and the appellate authority on the ground that the punishment of permanent forfeiture of two years approved service entailing reduction in pay along with deferment of increment is not in conformity with Rule 8(d) of the Delhi Police (Punishment & Appeal) Rules, 1980. It amounts to infliction of multiple punishment. Forfeiture of approved service, reduction in pay and withholding of increment are distinct and different punishments and cannot be compounded together for the same

10

offence. The applicant's counsel questions the role of the enquiry officer who himself cross-examined the defence witnesses in the absence of the Presenting Officer. According to the learned counsel, no misconduct can be made out attributable to the applicant.

2. The brief facts are that the applicant received three complaints of an apprehension from the landlord to the life and property of the tenants of a particular locality. The applicant failed to take prompt action. As a result, on the night of 3/4.8.91, the landlord broke open the roof of three shops occupied by the tenants and damaged the property. The charge was that this incident would not have occurred if the applicant had taken preventive action. This negligence on the part of the applicant, according to the charge, to take prompt action amounted to gross misconduct and lack of devotion to duty. The disciplinary authority after examining all the witnesses and evidence on record, arrived at the conclusion that the applicant had not taken prompt action and was negligent to his duties and thus held that the charge was proved. The applicant appealed against the order of the disciplinary authority to the Additional Commissioner of Police i.e. respondent no.1 but the said authority by order dated 10.2.93 rejected the appeal. The applicant relied on a decision of the Principal Bench in the case of Shri Mange Ram vs. UOI & ors., (O.A.No.1809/91) decided on 22.7.93 wherein a similar penalty imposed was held to be not in conformity with the provisions of

11

Rule 8(d) of the Delhi Police (Punishment & Appeal)

Rules, 1980.

3. We have carefully considered the submissions. We find no infirmity in the inquiry conducted by the respondents. On the night of 3/4/8.91, from 12.30AM to 2.30AM, the owner of the building demolished the roof of the shops and damaged the property. He took away some of the articles also. The applicant should have at least visited the premises as soon as the complainants reported the on-going demolition and should have prevented the incident. The landlord as well as the labourers could have been apprehended. It was a demolition openly indulged in. The conclusion therefore that the applicant was negligent to his duties was borne by evidence and the disciplinary authority and the appellate authority ~~have properly~~ considered the said evidence in arriving at the conclusion.

4. With regard to multiple punishment and the propriety thereof, the matter has been disposed of by the Full Bench in the case of ASI Chander Pal vs. Delhi Administration and anr. (O.A.No.2225/93) decided on 18.5.99. It was held that imposition of such a punishment is not in violation of Rule 8(d) of Delhi Police (Punishment & Appeal) Rules, 1980. The rule itself authorises levy of such a punishment. As rule 8(d) itself lays down that forfeiture of approved service may be for the purpose of promotion or seniority or for

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entailing reduction in pay or deferment of increment, the punishment order cannot be impugned on this ground. The Full Bench by its order dated 18.5.99 (supra) held as under:

"The penalty of forfeiture of 'X' years approved service permanently entailing reduction in pay by 'X' stages for a period of 'X' years with the condition that the delinquent police official would not earn increment/increments during the period of reduction and on the expiry of that period the reduction would have the effect of postponing the future increments, is in accordance with law."

5. In view of the above discussion, we find no merit in this O.A. and it is accordingly dismissed. No costs.

Narasimhan
(N. Sahu)
Member(Admnv)

A.V. Haridasan
(A.V. Haridasan)
Vice Chairman(J)

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