

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No.2592/93

New Delhi this the 12<sup>th</sup> Day of July 1999

Hon'ble Mr. V. Ramakrishnan, Vice Chairman (A)  
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Ex. Const. Jasbir Singh,  
S/o Shri Harpal Singh,  
R/o Village & P.O. Bana, PS Enchauli, Station,  
Distt. Meerut (UP).

Applicant

(By Advocate: Shri Shankar Raju)

Versus

1. Govt. of National Capital Territory of Delhi,  
Through Commissioner of Police,  
Police Headquarters, MSO Building,  
New Delhi.
2. The Additional Commissioner of Police,  
(Armed Police) Police Headquarters,  
MSO Building, I.P. Estate,  
New Delhi.
3. The Deputy Commissioner of Police,  
2nd Battalion, DAP,  
New Police Lines, Kingsway Camp,  
Delhi-110 007.

(By Advocate : Shri Surat Singh)

ORDER (Oral)

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

The applicant is aggrieved by the order dated 17.1.1991 by the respondents dismissing him as Constable in Delhi Police for his misconduct of being absent from duty, rejection of his appeal by the ACP by order dated 12.4.1991 and rejection of his revision petition by order dated 16.11.1991.

2. We have carefully perused the records and submissions made by the learned counsel for the parties.

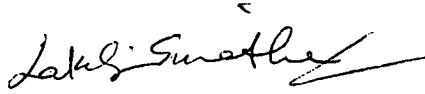
*JSC*


3. Both the learned counsel have submitted that the judgements of the Hon'ble Supreme Court in The State of Punjab & Ors. Vs. Bakshish Singh (JT 1998(7) SC 142) and Delhi High Court of in Satpal Yadav Vs. Union of India and Ors. (71 (1998) Delhi Law Times 68) which have also been followed by the Tribunal in Ex-constable Karan Singh Vs. Union of India & Anr. in O.A. No. 2117/98 decided on 8.4.1999 are applicable to the facts of this case. In the instant dismissal order dated 17.1.1991, the respondents have after penalising the applicant for his unauthorised absence have also regularised the period of absence from duty as 'Leave Without Pay'. We therefore find that in the facts and circumstances of the case the above judgements are binding on us. However, Shri Surat Singh, learned counsel for the respondents has submitted that in the present case the applicant has been found absent at least on 15 different occasions, prior to the periods for which he had been charge sheeted and found guilty for which the present impugned penalty order of dismissal had been passed. He has, therefore submitted that to this extent, the applicant should not be ordered to be reinstated with any back wages. Shri Shankar Raju, learned counsel for the applicant agrees that while he is not pressing for any back wages for the intervening period from the date of dismissal to the date of reinstatement, he prays that the applicant be allowed to maintain his seniority on his resinstatement.

4. In the facts and circumstances of the case, and in the light of the judgements referred to above, the impugned orders dated 17.1.1991, 19.4.1991 and

11.11.1991 are quashed and set aside. The respondents are directed to reinstate the applicant within one month from the date of receipt of a copy of this order. However, the applicant shall not be entitled to any back wages for the intervening period, that is, from the date of dismissal to the date of reinstatement but shall be entitled to have other benefits, like seniority in accordance with the rules and instructions. Parties to bear their own costs.

9

  
(Mrs. Lakshmi Swaminathan)  
Member (J)

  
(V. Ramakrishnan)  
VA (A)

\*Mittal\*