

Central Administrative Tribunal
Principal Bench
New Delhi
O.A.No.2655/93
M.A.No.429/97

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Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

Date of decision: 11.08.1997

Shri Suraj Prakash
Ex. Constable No.1571/1/N
s/o Shri Thakur Das
r/o Village Banwaripur
P.O.Gangrawali
P.S.Bulandshahr, U.P. ... Applicant

(By Shri M.P.Raju, Advocate)

Vs.

1. N.C.T. of Delhi through
its Chief Secretary
Old Secretariat
New Delhi.
2. The Commissioner of Police
Police Headquarters
I.P.Estate
New Delhi - 110 002. ... Respondents

(By Shri S.S.Pawar, proxy of Shri Jog Singh, Advocate)

O R D E R(Oral)

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

Both the counsel heard. We have perused the records. The learned counsel for the parties admitted that the facts in this case are similar to the facts in the case of Krishan Kumar Vs. Delhi Administration and Others, (OA No.625/92) which was disposed of on 20.3.1997. In fact, the learned counsel for the parties submit that the applicant in OA No.625/92, Shri Krishan Kumar and the present applicant had been charged by the respondents under the same FIR No.479 dated 17.12.1991 which case finally resulted in acquittal by the competent criminal court. Learned counsel for the applicant has submitted that in the circumstances he would be satisfied if a similar order is passed in this case also as done in OA No.625/92.

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2. In the circumstances of the case and for the reasons given in Krishan Kumar's case (Supra), the impugned order dated 8.1.1992 is quashed and set-aside. Respondents are directed to reinstate the applicant in service immediately. The matter is remitted to the disciplinary authority to take proper action in the disciplinary proceedings in accordance with law. Pending enquiry the applicant shall be deemed to be under suspension. Thereafter, the competent authority to pass ~~the~~ appropriate orders regarding the consequential benefits, including ^{for} the intervening period from the date of dismissal to the date of reinstatement.

OA is disposed of as above. No order as to costs.

R. K. Ahuja
(R.K. AHUJA)
MEMBER(A)

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)

/rao/