

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH****O.A. No.27/2016
with
O.A. No.1014/2015
O.A. No.1968/2015
O.A. No.3396/2015****New Delhi this the 13th day of May, 2016****HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE MR. V.N. GAUR, MEMBER (A)****(1) OA No.27/2016**

Nageen Kaushik
No.D-2755, (PIS No.16890032)
Age: 48 years
Designation: Inspector (Group-B)
Posting at: PM Security,
Delhi Police, New Delhi
S/o Late Shri Shrichand Sharma
R/o B-305, Shri SAibaba Aptt.
Sector-9, Rohini, Delhi-110085.Applicant

(Argued by: Shri S.C. Sagar, Advocate)

Versus

1. Commissioner of Police,
Through Joint Commissioner of Police,
South-Eastern Range,
Police Headquarter,
I.P. Estate,
New Delhi.
2. Dy. Commissioner of Police,
Delhi Police,
South District,
New Delhi.
3. Govt. of NCT of Delhi
Through Chief Secretary,
Players Building, I.P. Estate,
New Delhi.Respondents

(By Advocate: Ms. Sumedha Sharma)

(2) OA No.1014/2015

Neeraj Kumar
 No.D-1/942 (PIS No.16900120)
 Designation: Inspector (Group-B)
 Posting at: 3rd Bt. DAP Vikas Puri,
 New Delhi.
 S/o Late Shri Kapil Dev Narayan
 R/o EC-37, 3rd Floor, Inder Puri,
 New Delhi-110012.

...Applicant

(Argued by: Shri S.C. Sagar, Advocate)

Versus

1. Commissioner of Police,
 Through Joint Commissioner of Police,
 South-Eastern Range,
 Police Headquarter,
 I.P. Estate,
 New Delhi.

2. Govt. of NCT of Delhi
 Through Chief Secretary,
 Players Building, I.P. Estate,
 New Delhi.

.....Respondents

(By Advocate: Mr. K.N. Singh)

(3) OA No.1968/2015

Atul Sood,
 No.D/3013, PIS No.16900058
 Age 47 years
 Designation: Inspector (Group-B)
 Posting at: Incharge Lock Up,
 Tis Hazari Courts, Delhi
 Unit 3rd Bn. DAP Delhi Police
 S/o Shri Sansar Chand Sood
 R/o 251-E, MIG Flats,
 Rajouri Garden,
 New Delhi-110027.

....Applicant

(Argued by: Shri S.C. Sagar, Advocate)

Versus

1. Commissioner of Police,
 Through Joint Commissioner of Police,

South-Eastern Range,
Police Headquarter,
I.P. Estate,
New Delhi.

2. Govt. of NCT of Delhi
Through Chief Secretary,
Players Building, I.P. Estate,
New Delhi.Respondents

(By Advocate: Mrs. Harvinder Oberoi)

(4) OA No.3396/2015

Kuldeep Singh
No.D-1022, (PIS No.16950161)
Age: 43 years
Designation: Inspector (Group-B)
Posting at: SHO. PS, Defence Colony,
New Delhi
S/o Shri Mahinder Singh,
R/o A-25, Golf View Apartment,
Saket, New Delhi-110017. ...Applicant

(Argued by: Mr. S.C. Sagar, Advocate)

Versus

1. Commissioner of Police,
Through Joint Commissioner of Police,
South-Eastern Range,
Police Headquarter,
I.P. Estate,
New Delhi.
2. Govt. of NCT of Delhi
Through Chief Secretary,
Players Building, I.P. Estate,
New Delhi.Respondents

(By Advocate: Ms. Sumedha Sharma)

ORDER (ORAL)

Justice M. S. Sullar, Member (J)

As common questions of law and facts are involved, we propose to dispose of all the above mentioned Original Applications (OAs) by means of this common decision, in order to avoid repetition of facts.

2. The matrix of the facts and material, culminating in the commencement, relevant for deciding the instant OAs, and emanating from the record, is that applicants were working as Station House Officers (SHOs) in their respective Police Stations. An impugned joint Show Cause Notice (SCN) dated 18.02.2014 (Annexure-C) was issued to the applicants and 12 other similarly situated SHOs of different Police Stations, to show cause as to why their conduct be not Censured, by the competent authority. In pursuance thereof, applicants filed their separate replies to the SCN, which were stated to be unsatisfactory.

3. As a consequence thereof, the conduct of the applicants was Censured vide impugned order dated 19/20.05.2014 (Annexure-B), by the competent authority.

The order reads as under:-

“ORDER

A SCN for Censure was issued to Inspector Raman Kumar Lamba, D-1/274, (PIS No.16900083), (SHO/Mehrauli), Inspector Neeraj Kumar, No.D-1/942 (PIS No.16900120) (SHO/Hauz Khas), Inspector Nageen Kaushik No.D-2755 (PIS No.16890032) (SHO/K.M. Pur), Inspector Kuldeep Singh No.D-1022, (PIS No.16950161) (SHO/Defence Colony), Inspector Neeraj Kumar, No.D-986 (PIS No.16950115) (SHO/R.K. Puram), Inspector Ram Singh, D-2277 (PIS No.16900058) (SHO/S.J. Enclave) and Inspector Atul Sood No.D-3013 (PIS No.16900058) (SHO/Sarojini Nagar) vide this office No.2034-40/HAP/SD P-1), dated 18.02.2014, on the allegations that Circular No.51/2013 dated 24.09.2013 was issued by PHQ regarding responsibility of the police regarding unauthorized construction. It was directed that, the meticulous compliance of the circular should be followed strictly. This intimation shall be given in the following manner:-

- (i) Immediately on receipt of information about unauthorized construction or violation of the DMC Act 1957 in his jurisdiction, the SHO shall intimate the concerned Deputy Commissioner of MCD in writing.

(ii) The SHO shall also give a copy of this letter immediately to the person committing the offence, obtain a receipt from him and place it in the Police Station file.

(iii) The SHO shall also send a copy of this letter to the District Addl.CP/DCP on the same day.

Thus it would be mandatory for the SHO to give a copy of their letters to MCD, to the person committing the offence on the same day. The above instructions should be followed strictly by all the SHOs. The officers concerned shall be held responsible for non-compliance of above instructions.

It has been found that the following SHOs of Police Stations under the jurisdiction of this District are not following the instructions direction contained in the above said circular issued by PHQ.

S.No.	Name of SHO	Police Station	Belt No.	PIS No.
1.	Inspr. Raman Kumar Lamba	Mehrauli	D-1/274	16900083
2.	Inspr. Gagan Bhaskar	F.P. Beri	D-1138	16950069
3.	Inspr. Sanjay Bhardwaj	Neb Sarai	D-3428	1694 0301
4.	Inspr. Rituraj	Saket	D-3976	16990001
5.	Inspr. Neeraj Kumar	Hauz Khas	D-1/942	16900120
6.	Inspr. Vijay Pal	Malviya Nagar	D-3346	16940058
7.	Inspr. Manmohan Singh	V.K. (North)	D-812	16920023
8.	Inspr. Ved Prakash	V.K. (South)	D-3451	16940081
9.	Inspr. Somnath Paruthi	Vasant Vihar	D-3366	16940081
10.	Inspr. Nageen Kaushik	K.M. Pur	D-2755	16890032
11.	Inspr. Kuldeep Singh	Defence Colony	D-1022	16950161
12.	Inspr. Ishwar Singh	Lodhi Colony	D-3149	16910078
13.	Inspr. Ram Singh	S.J. Enclave	D-2277	28800002
14.	Inspr. Neeraj Kumar	R.K.Puram	D-986	16950155
15.	Inspr. Atul Sood	Sarojini Nagar	D-3013	16900058
16.	Inspr. Ashvir Singh	South Campus	D-1021	16950134

The copy of SCN for Censure was served upon Raman Kumar Lamba, No.D-1/274 (PIS No.1690083) (SHO/Mehrauli), Inspector Neeraj Kumar, D-1/942 (PIS No.16900120) (SHO/Hauz Khas), Inspector Nageen Kaushik, No.D-2755 (PIS No.16890032) (SHO K.M. Pur), Inspector Kuldeep Singh, No.D-1022 (PIS No.16950161) (SHO/Defence Colony), Inspector Neeraj Kumar, D-986 (PIS No.16950155) (SHO/R.K. Puram), Inspector Ram Singh, No.D-2277 (PIS No.28800002) (SHO/S.J. Enclave) and Inspector Atul Sood No.D-3013 (PIS No.169000058) (SHO/Sarojini Nagar). Accordingly, they submitted their written reply. The written reply submitted by them has been considered by the undersigned which is not found much convincing. Hence, the show cause notice for Censure issued to Inspector Raman Kumar Lamba No.D-1/274 (PIS No.1690083)(SHO/Mehrauli), Inspector Neeraj Kumar, No.D-1/942 (PIS No.16900120)(SHO/Hauz Khas), Inspector Nageen Kaushik, No.D-2755 (PIS No.16890032) (SHO/K.M. Pur), Inspector Kuldeep Singh, D-1022 (PIS No.16950161) (SHO/Defence Colony) (SHO/K.M. Pur), Inspector Kuldeep Singh, No.D-1022 (PIS No.16950161) (SHO/Defence Colony), Inspector Neeraj Kumar, No.D-986 (PIS No.16950155) (SHO/R.K. Puram), Inspector Ram Singh, No.D-2277 (PIS No.28800002) (SHO/S.J.

Enclave) and Inspector Atul Sood No.D-3013 (PIS No.169000058) (SHO/Sarojini Nagar) is confirmed and their conduct is hereby Censured.

Let a copy of this order be given to them free of cost. They can file an appeal to the Joint C.P./South-Eastern Range, New Delhi against this order within 30 days from the date of receipt of this order on a non-judicial stamp apes worth 00.75 paise by enclosing a copy of this order, if they so desires.

Sd/-
19/05/2014
(B.S. Jaiswal)
DY. COMMISSIONER OF POLICE,
SOUTH DISTT., NEW DELHI".

4. Sequelly, the appeals filed by the applicants were dismissed as well vide impugned order dated 19/22.01.2015 (Annexure A). It will not be out of place to mention here that same SCNs were issued and similar orders were passed in connected OAs by the Disciplinary Authority (DA) and the Appellate Authority (AA).

5. Aggrieved thereby, the applicants have preferred their present separate OAs to challenge the impugned SCNs and orders, invoking the provisions of Rule 19 of the Administrative Tribunals, 1985.

6. The cases set-up by the applicants, in brief, insofar as relevant, are that joint SCN is vague as the respondents have failed to specify the particular area/building where unauthorized constructions or encroachments were made, within their respective jurisdiction which were not intimated by the applicants as per Circular dated 24.09.2013 (Annexure-F), as claimed by the department. All the applicants have set-up their specific defences/stands, in the replies to SCN and pleadings in OAs which will be

discussed at appropriate stage, in the lateral part of this order.

7. It has been specifically pleaded that the same SCN was also issued to Inspector Rituraj, SHO of Police Station, Saket (Sl.No.4) but he was exonerated vide order dated 29.10.2014 (Annexure-G) by the competent authority. In this manner, the applicants were stated to have been discriminated and claimed the parity and equality of law.

8. According to the applicants, that there were no direct evidence or probabilities of preponderance to prove that they were negligent, careless or guilty in dereliction in discharge of their duties, in any manner. They are not at fault. The joint SCN was stated to be vague. They have been discriminated as well. The impugned orders were termed to be arbitrary, illegal, whimsical, vague, based on assumptions and conjectures and without any substance/evidence and against the principles of natural justice.

9. Levelling a variety of allegations and narrating the sequence of events, in all, the applicants claimed that the impugned orders cannot legally be sustained. On the strength of aforesaid grounds, the applicants sought quashing of the impugned SCNs and orders in the manner indicated hereinabove.

10. The contesting respondents refuted the claim of the applicants and filed the reply wherein it was pleaded that

the applicants have violated the Circular No.24.09.2013 (Annexure-F) regarding unauthorized construction and they have also violated the provisions of the DMC Act, 1957, which amounts to gross negligence, non-compliance of instructions/directions issued by Police Headquarters.

11. According to the respondents, the written replies to the SCNs filed by the applicants were considered but were not found to be much convincing and their conducts were Censured. The appeals filed by them were also dismissed by the AAs. It has specifically been admitted that the same SCN was issued to Rituraj, SHO, Saket, which was withdrawn on the administrative grounds without prejudice to departmental action to be taken against him. Later on, taking into consideration the reply, the SCN issued to Inspector Rituraj was withdrawn and he was exonerated vide order dated 29.10.2014 (Annexure-G). It will not be out of place to mention that the respondents have stoutly denied all other allegations contained in the OAs and prayed for their dismissal.

12. Controverting the pleadings in the reply and reiterating the grounds contained in the OAs, the applicants have filed their rejoinder. That is how we are seized of the matter.

13. Having heard the learned counsel for the parties and having gone through the records with their valuable help, we are of the firm view that the instant OAs deserve to be partly accepted for the reasons mentioned herein below.

14. As is evident from the record, that impugned joint SCNs (Annexure-C) were issued to the applicants and 12 other similarly situated SHOs of different Police Stations described therein, on the ground of violation of Circular No.24.09.2013 (Annexure-F). As per this Circular, the Officer in-charge of Police Station is required to intimate to the concerned Municipal Officer immediately on receipt of information about unauthorized construction or violation of the DMC Act, 1957 in his jurisdiction. The SHO shall intimate the concerned Deputy Commissioner of MCD in writing. He shall also give a copy of this letter immediately to the person committing the offence, obtain receipt from him and place it in the Police Station file with a copy to Additional District Additional C.P./DCP on the same date.

15. As indicated herein above, impugned joint SCN is vague and it only contains the narration of facts and nothing else. Specific allegations against individual applicants are totally lacking. The very purpose of serving the charge is to make an employee aware that what is against him and he is required to file reply and defend himself. The delinquent officer should have been specifically made aware what was being enquired into and what area he is expected to defend. In the absence of attribution of complete and specific allegation, a person will not be able to answer a charge which is vague. The impugned SCN does not reveal as to what actually the applicants were expected to answer.

16. Meaning thereby, the DA should be rational, while exercising quasi judicial power. He was legally required to specifically mention in the SCN that how, where, when, on which premises or road and in what manner any encroachments were made by whom, in the area of their respective Police Station, which were not intimated to the relevant authorities by the applicants. He was required to inform the exact fault of the employee while disciplinary proceedings were to be initiated. The specific allegation/charge should link the charged official with misconduct that was attributed to him.

17. Therefore, it was obligatory on the part of the DA to specify the dates, number of premises, complete particulars of place, relevant time of encroachment within the respective areas of the applicants, which is totally lacking in the present cases. Thus the impugned SCNs itself are vague and illegal.

18. It cannot possibly be disputed here is that law permits authorities to impose a minor penalty without going through the formality of detailed enquiry. In such circumstances, since no opportunity is available to a delinquent officer, to put forward his defence by examination of witness or producing documents. Hence, indeed there is an added responsibility on the part of the DA to critically examine the circumstances and come to a definite decision on the basis of material that the charged official has committed any misconduct.

19. In the instant case, the DA has not considered this aspect of the matter, either while issuing the impugned SCN or while passing the impugned punishment order. It is now well settled principle of law that authority should pass reasoned and speaking order, indicating the particular charge attributed to the applicants, after considering their reply and other relatable relevant factors. These essential ingredients are totally lacking in the impugned orders. Therefore, the impugned SCNs are completely vague and ambiguous. Thus, any impugned orders of DA and AA passed on such vague notice are vitiated and illegal. Hence, DA has committed a legal error by passing the impugned order on the basis of same very error/mistake was committed and repeated by the AA as well. Moreover, the AA is legally required to pass a speaking order, as contemplated under Rule 25(2) of the D.P. Rules. This is not the end of the matter.

20. There is yet another aspect of the matter, which can be viewed entirely from a different angle. As indicated herein above, Nageen Kaushik, applicant in **OA No. 27/2016** has explained in his reply to SCN and pleadings in the OA that he had joined as SHO on 10.01.2014 and remained ill till 06.01.2015. The impugned SCN dated 18.02.2014 was issued just after 36 days of his joining as SHO in Police Station, Kotla Mubarak Pur (K.M. Pur). Previously, he remained posted in EOW Wing of Delhi Police w.e.f.

12.09.2008 to 08.01.2014. Hence, he was not at fault in this regard.

21. Sequelly, Neeraj Kumar, applicant in (**OA No.1014/2015**) has averred that he had sent 161 intimations regarding unauthorized constructions to MCD and further sent more 4 unauthorized constructions report to MCD since 01.01.2014 to 31.03.2014. He has also specified the details about unauthorized construction in his jurisdiction.

21. Likewise, Atul Sood, applicant in (**OA No. 1968/2015**) has maintained that his Police Station was surrounded by Government Quarters and only private colonies, i.e., Anant Ram Diary and Aradhana Enclave in Sector-13 R.K. Puram fall. He found three (3) unauthorized construction at three residential plots bearing No.A-47, A-48 and J-30 at Anant Ram Diary in Sector-13, R.K. Puram and the same was intimated to the CPWD and the demolition programme was carried out, which is evident from the documents annexed at [Annexure E-1 (collies)].

23. Similarly, Kuldeep Singh, applicant in (**OA No.3396/2015**) has claimed that he had sent 69 intimations in the year 2013 and 77 intimations upto 15.3.2014 regarding unauthorized constructions to MCD and his senior officer/ACP. He further specified the details about unauthorized construction as stated in his reply dated 18.03.2014. Thus, applicants pleaded that they have taken

every measure to intimate the authorities about illegal constructions and are not at fault in any manner.

24. Meaning thereby, they have specifically put up their particular stand/defence which were not at all considered, discussed or adhered to by the DAs. The same very error was committed by the AAs as well.

25. Therefore, the impugned orders are cryptic, non-speaking, result of non-application of mind and did not contain any reasons.

26. What cannot possibly be disputed here is that Central Vigilance Commission in its wisdom has taken a conscious decision and issued instructions vide Office Order No.51/09/03 dated 15.09.2003, which reads as under:-

“Subject: - Need for self-contained speaking and reasoned order to be issued by the authorities exercising disciplinary powers.

Sir/Madam,

It was clarified in the Department of Personnel & Administrative Reforms' OM No. 134/11/81/AVD-I dated 13.07.1981 that the disciplinary proceedings against employees conducted under the provisions of CCS (CCA) Rules, 1965, or under any other corresponding rules, are quasi-judicial in nature and therefore, it is necessary that orders issued by such authorities should have the attributes of a judicial order. It was also clarified that the recording of reasons in support of a decision by a quasi-judicial authority is obligatory as it ensures that the decision is reached according to law and is not a result of caprice, whim or fancy, or reached on ground of policy or expediency. Such orders passed by the competent disciplinary/appellate authority as do not contain the reasons on the basis whereof the decisions communicated by that order were reached, are liable to be held invalid if challenged in a court of law.

2. It is also a well-settled law that the disciplinary/appellate authority is required to apply its own mind to the facts and circumstances of the case and to come to its own conclusions, though it may consult an outside agency like the CVC. There have been some cases in which the orders passed by the competent authorities did not indicate application of mind, but a mere endorsement of the Commission's recommendations. In one

case, the competent authority had merely endorsed the Commission's recommendations for dropping the proposal for criminal proceedings against the employee. In other case, the disciplinary authority had imposed the penalty of removal from service on an employee, on the recommendations of the Commission, but had not discussed, in the order passed by it, the reasons for not accepting the representation of the concerned employee on the findings of the inquiring authority. Courts have quashed both the orders on the ground of non-application of mind by the concerned authorities.

3. It is once again brought to the notice of all disciplinary/appellate authorities that Disciplinary Authorities should issue a self-contained, speaking and reasoned orders conforming to the aforesaid legal requirements, which must indicate, inter-alia, the application of mind by the authority issuing the order."

27. Exhibiting the necessity of passing of speaking orders, the Hon'ble Apex Court in the case of ***Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank Vs. Jagdish Sharan Varshney and Others*** (2009) 4 SCC 240 has in para 8 held as under:-

"8. The purpose of disclosure of reasons, as held by a Constitution Bench of this Court in the case of S.N.Mukherjee vs. Union of India reported in (1990) 4 SCC 594, is that people must have confidence in the judicial or quasi-judicial authorities. **Unless reasons are disclosed, how can a person know whether the authority has applied its mind or not? Also, giving of reasons minimizes chances of arbitrariness. Hence, it is an essential requirement of the rule of law that some reasons, at least in brief, must be disclosed in a judicial or quasi-judicial order, even if it is an order of affirmation**".

28. An identical question came to be decided by Hon'ble Apex Court in a celebrated judgment in the case of ***M/s Mahavir Prasad Santosh Kumar Vs. State of U.P. & Others*** 1970 SCC (1) 764 which was subsequently followed in a line of judgments. Having considered the legal requirement of passing speaking order by the authority, it was ruled that **"recording of reasons in support of a decision on a disputed claim by a quasi-judicial authority**

ensures that the decision is reached according to law and is not the result of caprice, whim or fancy or reached on grounds of policy or expediency. A party to the dispute is ordinarily entitled to know the grounds on which the authority has rejected his claim. If the order is subject to appeal, the necessity to record reasons is greater, for without recorded reasons, the appellate authority has no material on which it may determine whether the facts were properly ascertained, the relevant law was correctly applied and the decision was just". It was also held that "while it must appear that the authority entrusted with the quasi-judicial authority has reached a conclusion of the problem before him: it must appear that he has reached a conclusion which is according to law and just, and for ensuring that he must record the ultimate mental process leading from the dispute to its solution". Such authorities are required to pass reasoned and speaking order. The same view was again reiterated by Hon'ble Apex Court in the case of ***Divisional Forest Officer Vs. Madhu Sudan Rao JT 2008 (2) SC 253.***

29. This is not the end of the matter. It is not a matter of dispute that same very impugned SCN (Annexure-C) was issued to Inspector Rituraj SHO, PS, Saket (Sl.No.4). The SCN pertaining to Rituraj was withdrawn vide order dated 30.10.2014 (Annexure-G). The main grounds which appear to have been weighed with the competent authority to

exonerate SHO, Rituraj were that (i) The contents of the reply have been got verified as per report dated 01.10.2014 from the office of the DCP, South District (ii) The claim advanced by him was found to be convincing and (iii) It is on record that intimation regarding unauthorized construction was sent to the concerned department and register is already maintained in the Police Station.

30. Strangely enough, the course of action adopted by the authorities to exonerate Rituraj, SHO, PS, Saket are also applicable to the facts of the present applicants. But the authorities have not adopted the same very procedure of verification of explanations put forth by the applicants for the reasons best known to them. It has caused a great deal of prejudice to their cases. In this manner, the applicants are also entitled to same type of relief and parity, as exercised in the case of Inspector Rituraj by the competent authority. They are also entitled to the same treatment and parity with the case of Rituraj, as envisaged under Article 14 & 16 of the Constitution of India. This matter is no more res integra and is now well settled.

31. An identical point came to be decided by the Hon'ble Apex Court in the case of ***Man Singh Vs. State of Haryana and Others AIR 2008 SC 2481***, while considering the scope of Article 14 of the Constitution and it was ruled that the concept of equality, as enshrined in Article 14 of the Constitution of India, embraces the entire realm of State

action. It would extend to an individual as well not only when he is discriminated against in the matter of exercise of right, but also in the matter of imposing liability upon him. **Equal is to be treated equally even in the matter of executive or administrative action. As a matter of fact, the doctrine of equality is now turned as a synonym of fairness in the concept of justice and stands as the most accepted methodology of a governmental action.** The administrative action is to be just on the test of 'fair play' and reasonableness.

32. Again, the Hon'ble Supreme Court in the case of ***Rajendra Yadav Vs. State of M.P. and Others JT 2013 (2) SC 627*** has held that the Doctrine of Equality applies to all, who are equally placed even among persons who are found guilty. The persons who have been found guilty, can also claim equality of treatment, if they can establish discrimination with them relatable to similarly situated persons.

33. Therefore, the protection of Article 14 & 16 of the Constitution of India and principles of equality, parity and *stare decisis* are fully attracted to the case of the applicants as well. They are also entitled to equal treatment in the same terms as has been done in the case of Rituraj by the competent authority. The ratio of law laid down by Hon'ble

Apex Court in the indicated judgments is *mutatis mutandis* fully applicable in the present controversy and is a complete answer to the problem in hand. Hence, the impugned orders are illegal and cannot be sustained in the eyes of law.

34. Thus, it would be seen that the impugned SCNs are vague and illegal. Any order passed on the basis of such illegal notices would automatically fall on the ground on their own legs and cannot legally be sustained. The same are also bad in law for violation of principle of parity and equality.

35. No other point, worth consideration, has been urged or pressed the learned counsel for the parties.

36. In the light of the aforesaid reasons and without commenting further anything on merits, lest it may prejudice the case of either side during the course of subsequent hearing in disciplinary proceedings, of the indicated OAs, are partly accepted. The impugned SCN dated 18.02.2014 (Annexure-C) and orders dated 20.05.2014 (Annexure-B) passed by the Disciplinary Authority and dated 19/22.01.2015 (Annexure-A) by the Appellate Authority in all the connected cases are hereby set aside. No costs.

37. Needless to mention that the competent authority would be at liberty to issue fresh specific SCNs to the applicants, will consider the issue raised by them in their respective replies including the ground of parity and then to

pass the appropriate speaking and reasoned orders in view of indicated observation, and in accordance with law.

Let a copy of this order be placed in all the connected files.

(V.N. GAUR)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Rakesh

Vide separate detailed order of even date rendered in main OA No.27/2016 titled as Nageen Kaushik Vs. Commissioner of Police and Others, the instant OA has also been partly accepted, in the same terms.

(V.N. GAUR)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Rakesh

Vide separate detailed order of even date rendered in main OA No.665/2015 titled as Isha Sharma Vs. State of NCT of Delhi and Others, the instant OA has also been partly accepted, in the same terms.

(V.N. GAUR)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Rakesh