

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 3101/2013

New Delhi this the 25th day of April, 2019

Hon'ble Sh. Pradeep Kumar, Member (A)
Hon'ble Sh. Ashish Kalia, Member (J)

Sh. Surender Pal
S/o Late Sh. Attar Singh
R/o Qtr. No. B-5 Police Station
Moti Nagar, New Delhi-15

....Applicant

(By Advocate : Sh. Ajesh Luthra)

Versus

1. Commissioner of Police
PHQ, MSO Building,
IP Estate, New Delhi
2. The Joint Commissioner of Police
Northern Range
PHQ, MSO Building,
IP Estate, New Delhi
3. Deputy Commissioner of Police
(North West District), Ashok Vihar,
Delhi-110052
4. The Lt. Governor
GNCT of Delhi
Raj Niwas Marg
Rajpur Road
Delhi-54

(By Advocate: Sh. Amit Yadav for Sh. Ankur Chhibber)

ORDER (ORAL)**Sh. Ashish Kalia, Member (J)**

The applicant was constable in Delhi Police. He was entrusted investigation of FIR No. 684/00 u/s 326/34 IPC on complaint by Sh. Azad Singh. Later on one Bhupender Kumar with connivance of Azad Singh got Registered a false FIR against applicant on allegation of corruption and the applicant was dismissed from service without holding departmental inquiry. Thereafter, he preferred an appeal and the same was rejected. Initially the applicant had filed OA No. 529/2007 against dismissal/rejection of appeal, which was allowed vide order dated 22.8.2007 and he was reinstated in the service. However, he was kept under suspension. Subsequently, a criminal case was registered against the applicant and he was convicted and, thereafter on 17.10.2012, the applicant was once again dismissed from service and departmental enquiry which was under progress has been revoked. Feeling aggrieved by this, the applicant approached the Tribunal for redressal of his grievance questioning the Rule 11(1) of Delhi Police, (Punishment & Appeal) Amendment Rule, 2011.

2. The reply was filed by the respondents during the course of the arguments. They have handed over a copy of the OA No. 2551/2014 wherein para 5 & 6, a similar question has been dealt with by this Tribunal, which reads as under:-

“5. The counsel for the respondents equally vehemently contended that the legality and validity of **amended Rule II(I) have already been examined and upheld by this Tribunal vide orders passed in OA No. 2446/2013 in the case of HC Khushi Ram Vs. Govt. of NCTD through the Commissioner of Police and Ors, OA 2930/2013 in the case of ASI Tej Singh Vs. Govt. of NCTD and Others and OA 1155/2013 in the case of ASI Dalip Pawar Vs. Govt. of NCTD through the L.G, GNCTD and others.**

6. In respectful agreement with the reasoning given by this Tribunal in the above said cases, we are of the opinion that this OA requires to be dismissed.

3. In view of this, nothing survives in the OA, the same is dismissed. No order as to costs.

(Ashish Kalia)
Member (J)

(Pradeep Kumar)
Member (A)