

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 2551/2014
MA 2942/2017

Reserved on 22.01.2019
Pronounced on 29.01.2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)

Sh. Brijeshwar Kumar,
S/o Sh. Budh Prakash,
R/o Qtr. No.30, Type-II,
P.S. Ashok Vihar, Delhi-110052.
Age-58 Ex.ASI

..... Applicant

(By Advocate: Mr. Ajesh Luthra)

VERSUS

1. Commissioner of Police,
Police Headquarters,
IP Estate, New Delhi.
2. Joint Commissioner of Police (Operation),
Police Headquarters,
IP Estate, New Delhi.
3. Addl.Deputy Commissioner of Police
(GA) Police Control Room,
Model Town, Delhi.
4. Deputy Commissioner Police
(Quarter Allotment Cell)
Police Headquarters,
IP Estate, New Delhi.
5. Lt. Governor,
GNCT of Delhi,
Raj Niwas Marg,
Delhi.

.... Respondents

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

ORDER**Hon'ble Mr. S.N.Terdal, Member (J):**

We have heard Mr. Ajesh Luthra, counsel for applicant and Mr. K.M.Singh, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicants have prayed for the following reliefs:

- "a) quash and set aside amended rule 11 (1) of Delhi Police (Punishment and Appeal) Rules and
- b) quash and set aside the order dated 17.7.2014 (Annexure A/1) and order dated 9.8.2012 (Annexure A/2) and consequently direct the respondents to reinstate the applicant forthwith with all consequential benefits.
- c) award costs of the proceedings and
- d) pass any other order/direction which this Hon'ble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and circumstances of the case."

3. The relevant facts of the case are that on the allegation of demanding and accepting bribe the official of Anti Corruption Branch, Delhi laid a trap and arrested the applicant red handed while he was demanding/accepting Rs.1,000/- as bribe from the complainant. On the said allegation a criminal case was registered against him under section 7/13 of the Prevention of Corruption Act, 1988. Thereafter, vide judgment dated 18.05.2012, the Hon'ble Court of Smt. Sangita Dhingra Sehgal, Special Judge (ACB), Delhi convicted the applicant and vide order dated 19.05.2012 sentenced him to undergo rigorous imprisonment of one year and six months and to pay fine of Rs.5,000. On consideration of the above facts and the conviction, the disciplinary authority has rightly held that the said conduct amounts to gravest

misconduct and his continued retention in Police force is not warranted in the public interest, particularly in view of the fact that the police department is constituted to serve the peoples to preserve their rights to live peacefully and safely and that the society expects the policemen to protect citizens from criminals and crime and therefore the involvement of the applicant and conviction of him in such a crime totally erode the faith of the common man in the police department. On the above considerations, the disciplinary authority exercising the power conferred under Rule 11 (1) of the Delhi Police (Punishment & Appeal) (Amendment) Rules, 2011 dismissed the applicant with immediate effect vide his order dated 09.08.2012. The appeal filed by the applicant was also considered by the appellate authority and dismissed the same vide order dated 17.07.2014

4. The counsel for the applicant vehemently questioned the validity and legality of the amended provisions of Rule 11(1).

5. The counsel for the respondents equally vehemently contended that the legality and validity of amended Rule 11(1) 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.

7. Accordingly, the OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

'sk'

....