

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

O.A. No.1319/2015
And
R.A. No.185/2017

Monday, this the 4th day of February 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Inspector Ram Singh s/o Trilok Singh
aged 55 years
No.D/2277 (PIS No.28800002)
Presently posted with 7 Bn. DAP
r/o Flat No.36
Police Station Compound
Vasant Vihar, Delhi

..Applicant

(Ms. Jasvinder Kaur, Advocate)

Versus

1. Govt. of NCT of Delhi
Through its Commissioner of Police
PHQ, IP Estate, New Delhi
2. Joint Commissioner of Police
South Eastern Range
New Delhi PHQ Estate, New Delhi
3. DCP/South District, New Delhi

..Respondents

(Ms. Abiya, Advocate for Ms. Rashmi Chopra, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

R.A. No.185/2017

This R.A. is filed with a prayer to review the order dated 11.07.2017 passed by the Tribunal in O.A. No.1319/2015. The

applicants herein are the respondents in the O.A. For the sake of convenience, the parties are referred to as mentioned in the O.A.

2. The applicant was working as Station House Officer (SHO) in Delhi Police. In the year 2014, a show cause notice was issued to him and 15 other SHOs alleging that they did not implement and follow the circular No.51/2013 dated 24.09.2013 issued by the Commissioner of Police. The circular was to the effect that whenever any unauthorized construction is noticed in the jurisdiction of SHO, he shall intimate the same to the concerned authority in the Municipal Corporation of Delhi, marking a copy to the District Additional CP/DCP.

3. The applicant submitted his explanation stating that he reported the instances of unauthorized constructions whenever he noticed them. Not satisfied with the same, the disciplinary authority passed an order dated 20.05.2014 censuring the applicant and other SHOs. The same was challenged in the O.A. The contention of the applicant was that though he denied the allegation, the punishment was imposed without undertaking any discussion. The Tribunal allowed the O.A. by observing that the respondents did not follow the procedure prescribed under Rule 16 of CCS (CCA) Rules, 1965.

4. In the R.A., it is pleaded that the CCS (CCA) Rules do not have application to the services in Delhi Police and that a separate set of Rules operate therein.

5. We heard Ms. Jasvinder Kaur, learned counsel for applicant and Ms. Abiya for Ms. Rashmi Chopra, learned counsel for respondents.

6. The main ground, on which the O.A. was allowed, was that the respondents did not follow the procedure prescribed under Rule 16 of CCS (CCA) Rules. It appears that the parties did not bring to the notice of the Tribunal that those Rules do not apply to the Delhi Police and there exists a separate set of Rules. As a matter of fact, the procedure prescribed under the Delhi Police Manual is substantially different. For instance, the disciplinary proceedings are commenced with the issuance of summary of charge memo and the charges are framed after examination of witnesses by the Department. It is thereafter that the employee is given opportunity to examine the witnesses. The inquiry officer has the discretion whether or not to frame the charges. When such a divergence is there, we are of the view that a serious error has crept into the order dated 11.07.2017.

7. We, therefore, allow the R.A. and set aside the order dated 11.07.2017 passed in O.A. No.1319/2015.

O.A. No.1319/2015

8. Since the matter is in a narrow compass, we asked the learned counsel for the parties to argue the matter on merits and they acceded to our request.

9. The allegation against the applicant was that he did not follow the circular issued by the Commissioner of Police in the context of reporting of instances of unauthorized constructions. It is not in dispute that the applicant denied the allegation and no discussion was undertaken by the disciplinary authority about the same. The fact, however, remains that what was imposed was a penalty of almost inconsequential in nature and for that reason, no discussion was undertaken. By this time, the effect of censure was virtually stands wiped away.

10. We, therefore, dispose of this O.A. directing that the punishment imposed upon the applicant, namely, censure worked itself out and it shall not come in the way of promotion of the applicant to a higher post.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 4, 2019
/sunil/