

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

**OA No. 3966/2017**

**This the 30<sup>th</sup> day of September, 2019**

**Hon'ble Mr. A. K. Bishnoi, Member (A)  
Hon'ble Mr. R.N. Singh, Member (J)**

Krishan Chander, Aged 42 years  
Constable in Delhi Police  
S/o Late Shri Kunja Ram  
R/o D-251, Gali No. 21, Road No. 6,  
Shyam Vihar Phase- I, Nazafgarh,  
Delhi-110043.

...Applicant

(By Advocate: Sh. Suresh Sharma)

**VERSUS**

Commissioner of Police & ors. through:

1. The Commissioner of Police,  
Police HQ, IP Estate,  
New Delhi
2. The Additional Commissioner of Police,  
Police Control Room,  
Police HQ, IP Estate, New Delhi
3. The Additional Deputy Commissioner of Police (GA)  
Police Control Room,  
Police HQ, IP Estate,  
New Delhi
4. Deputy Commissioner of Police (GA)  
7<sup>th</sup> BN., DAP  
Police HQ, IP Estate,  
New Delhi.

...Respondents

(By Advocate : Ms. Harvinder Oberoi)

**ORDER (Oral)****Hon'ble Mr. R.N. Singh, Member(J):**

Heard the counsels for parties.

2. The applicant, in the instant OA, has prayed for the following reliefs:-

*“(i) To quash and set aside the impugned order No. Order No. F.XVI/117/2012/1203-06/P.Sec./SPL.CP/AP dated 14.09.2012.*

*(ii) To direct the respondents to treat the period of suspension from 30.07.2004 to 04.07.2011 spent on duty for all purposes, with further directions to grant all consequential benefits including arrears of pay.*

*(iii) To allow the O.A. with costs.*

*(iv) pass any further orders as this Hon'ble Tribunal may deemed fit and proper in the facts and circumstances of the case.”*

3. After arguing for some time, learned counsel for applicant under the instructions from the applicant, who is present in the court submits that he does not press the relief prayed for in para 8 (i), as aforementioned.

4. Learned counsel for applicant invites our attention to the impugned order dated 05.03.2016 passed by the Deputy Commissioner of Police 7<sup>th</sup> Bn DAP, New Delhi, whereby the respondents have revisited the order of penalty dated 14.09.2012 after the judgement dated

06.01.2016 of the Hon'ble Supreme Court in Criminal Appeal No. 14 of 2016 (Annexure A-3) titled **Krishan Chander Vs. State of Delhi.**

5. Learned counsel for applicant submits that once he was exonerated from criminal charges, in view of the judgement of Hon'ble Apex Court on 06.01.2016. In the aforesaid criminal appeal, it was incumbent upon the respondents to revisit the penalty imposed upon him and pass an appropriate order. He further argued that order dated 05.03.2016 have been passed by the respondents without application of mind.

6. Learned counsel for applicant submits that the applicant would be satisfied if the matter is remitted back to the concerned authority under the respondents to pass an appropriate reasoned and speaking order in the matter of penalty imposed upon the applicant with due application of mind and after going through the order/judgement of Hon'ble Apex Court letter dated 06.01.2016 in aforesaid Criminal Appeal in time bound manner.

7. We have gone through the pleadings on record and have heard the learned counsels for the parties. We

observe that after the judgement dated 06.01.2016 of the Hon'ble Apex Court in the aforesaid Criminal Appeal filed by the applicant, the respondents were required to revisit the order of penalty by taking into consideration the judgment dated 06.01.2016 of Hon'ble Apex Court under reference and pass necessary order (s). We may refer and rely the judgement of Full Bench of this Tribunal in Sukhdev Singh, ASI & Anr. Vs. Govt. of NCT of Delhi through Commissioner of Police, reported in 2011 SCC online CAT 4238, para 9 of which reads as under:-

*“9. In view of the discussion made above, we hold that there is no bar, express or implied, in the Rules of 1980 for holding simultaneous criminal and departmental proceedings. However, in case departmental proceedings may culminate into an order of punishment earlier in point of time than that of the verdict in criminal case, and the acquittal is such that departmental proceedings cannot be held for the reasons as mentioned in rule 12, the order of punishment shall be re-visited. The judicial verdict would have precedence over decision in departmental proceedings and the subordinate rank would be restored to his status with consequential reliefs.”*

8. Accordingly, without going into the merit of the claim of the applicant, the present OA is disposed of by remitting the matter to the respondents to pass an appropriate reasoned and speaking order keeping in view the order/judgement dated 06.01.2016 of Hon'ble Apex Court in the matter of **Krishan Chander (supra)**.

9. The OA is disposed of in the above terms.

10. There shall be no order as to costs.

**(R.N. Singh)**  
**Member (J)**

**(A.K. Bishnoi)**  
**Member (A)**

/akshaya/