(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1180/2003
with
O.A.NO.2086/2003 &
O.A.NO.2533/2003

New Delhi, this the 25th day of March, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A.SINGH, MEMBER (A)

O.A.No.1180/2003

Sube Ram (D-I/525)
S/o Shri Gurdial Singh
Resident of 14-C, CPWD Complex,
Vasant Vihar,
New Delhi ... Applicant

(By Advocate: Shri Shyam Babu)

O.A.No.2086/2003

Sube Ram (D-I/525)
S/o Shri Gurdial Singh
Resident of 14-C, CPWD Complex,
Vasant Vihar,
New Delhi ... Applicant

(By Advocate: Shri Shyam Babu)

Versus

1. Govt. of NCT of Delhi
through its Chief Secretary,
Players Building,
I.P. Estate, New Delhi

2. The Commissioner of Police,
Police Headquarters
I.P.Estate
New Delhi.

3. Joint Commissioner of Police (Operations)
Police Headquarters
I.P.Estate
New Delhi ... Respondents

(By Advocate: Sh.George Paracken in O.A.1180/2003
Sh.Ajesh Luthra in O.A.2086/2003)

O.A.No.2533/2003

R.N.Nagar,
(Retd.Inspector) No.D-I/436
Village and Post Office Nimka,
District Faridabad, Haryana ... Applicant

(By Advocate: Sh.T.R. Kukreja, proxy for Shri K.S. Negi)

Versus

1. Govt. of NCT of Delhi,
5. Sham Nath Marg,
Delhi

2. The Commissioner of Police.
Delhi Police.
Police Headquarters.
ITO, New Delhi ... Respondents

(By Advocate: Sh.Ajesh Luthra)

O R D E R (Oral)

Justice V.S. Aggarwal:-

By this common order, we propose to dispose of three original applications together.

2. In O.A.1180/2003, the disciplinary authority has passed the following order:

> "I have examined the record of departmental proceedings and have also considered the pleas taken by both the delinquents in their representations carefully. Both the delinquents have also been heard in O.R. None of their pleas have any force. Their contentions have already been considered by the E.O. Therefore I, award Inspr. Sube Ram, No.D-I/525 and ASI Vijay Pal Singh, No.1464/D a punishment of forfeiture of two years approved service permanently entailing reduction in their pay by two stages for a period of one year to each. The reduction will have the effect of postponing their future increments with immediate effect."

3. In O.A.Nos.2086/2003 and 2533/2003, the penalty imposed upon the applicants in the separate departmental enquiries read:

> "I have examined the record of departmental proceedings and have also considered the pleas taken by both the delinquents in their representations carefully. Both the delinquents have also been heard in O.R. None of their pleas has any force. Their contentions have already been considered by the E.O. as mentioned in the finding. I,

> therefore. award Inspr. R.N. Nagar No.D/935 and Inspr. Sube Ram, No.D-I/525 a punishment of forfeiture of two years approved service permanently entailing reduction in their pay by two stages for a period of one year to each. The reduction will have the effect of postponing their future increments with immediate effect."

The appeals had been preferred in all the three matters which were dismissed.

4. Without dwelling into the merits of the matter to which we are also not expressing ourselves, it was pointed that the penalty awarded is contrary to rule 8(d)(ii) of Delhi Police (Punishment and Appeal) Rules, 1980. In support of his claim, the learned counsel relies upon the decision of the Delhi High Court in the case of **Shakti Singh vs. Union of India** (C.W.P. No.2368/2000) decided on 17.9.2002. Therein the Delhi High Court while construing rule 8(d)(ii) of the Rules referred to above, held:

> "Rule 8(d)(ii) of the said Rules is disjunctive in nature. It employ the word 'or' and not and'.
>
> Pursuant to and/or in furtherance of the said Rules, either reduction in pay may be directed or increment or increments, which may again either permanent or temporary in nature be directed to be deferred. Both orders cannot be passed together.
>
> Rule 8(d)(ii) of the said Rules is a penal provision. It, therefore, must be strictly construed.
>
> The words of the statute, as is well known, shall be understood in their ordinary or popular sense. Sentences are required to be construed according to their grammatical meaning. Rule of interpretation may be taken recourse to, unless the plain language used gives rise to an absurdity or unless there is something in the context or in the object of the statute to suggest the contrary.

Keeping in view the aforementioned basic principles in mind, the said rule is required to be interpreted."

5. When the present cases are examined in the light of the decision of the Delhi High Court, it is obvious that the penalty imposed by the disciplinary authority would be violating the plain language of Rule 8(d)(ii) of Delhi Police (Punishment and Appeal) Rules.

6. Resultantly, we quash the impugned orders and direct that the disciplinary authority, in accordance with law, may pass a fresh order taking stock of the totality of facts and circumstances. It shall be highly appreciated that the order is passed within two months of the receipt of the certified copy of the present order. O.As. are disposed of.

(S.A.Singh)
Member (A)

(V.S. Aggarwal)
Chairman

/dkm/