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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1551/2003  
M.A.NO.1302/2003

Friday, this the 20th day of June, 2003

Hon'ble Shri Govindan S. Tampi, Member (A)

Vacation Bench

Ex. Constable Hoshier Singh No.983/L  
S/o Shewraj Singh,  
Village & P.O. Uthra,  
Distt Aligarh, Uttar Pradesh.

..Applicant

(By Advocate: Shri Sachin Chauhan)

Versus

1. Union of India,  
Ministry of Home Affairs,  
North Block, New Delhi.
2. Joint Commissioner of Police,  
5 Raj Pur Road, Old Police Lines,  
New Delhi.
3. Dy. Commissioner of Police, Provisioning and Logistics,  
5 Raj Pur Road, Delhi. ..Respondents

O R D E R (ORAL)

Heard Shri Sachin Chauhan learned counsel for applicant.

2. MA 1302/2003 for condonation of delay allowed in the interest of justice.
3. In this case, applicant has been dismissed from service under the provisions of the Delhi Police (Punishment & Appeal) Rules, 1980 vide order dated 13.2.2001 whereby the charge of the willful and unauthorised absence as well as habitual absenteeism is shown to have been proved against him as he had absented himself on 27 occasions in the past 10 years of his service for which he had been chargesheeted on 29.5.2000.
4. It is pointed out by Shri Chauhan that neither the summary of allegations dated 5.3.2000 nor the chargesheet dated 29.5.2000, makes <sup>any</sup> mention whatsoever about the applicant's previous history of absence. Still he has

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been penalised in clear violation of the provision of Rule 16(ii) of the Delhi Police (Punishment & Appeal) Rules, 1980. Therefore, the immediate intervention of the Tribunal is called for.

5. I have considered the matter and I am fully convinced of the <sup>credibility</sup> plea of the learned counsel. Both the summary of allegations and the chargesheet issued to the applicant are totally silent about the applicant's previous bad record. The previous history has been brought in by the respondents, only to impose the <sup>highest</sup> ~~hardest~~ penalty on him. This was clearly wrong and avoidable. In the above view of the matter, I dispose of this matter, without issuing any notice and by setting aside the impugned order of 13.3.2001 by the disciplinary authority and dated 20.7.2001 of the appellate authority and remand<sup>2</sup> the same to the disciplinary authority to re-examine the issue and pass an order, confining himself to the allegations raised in the summary allegations and chargesheet. The applicant will be reinstated in service forthwith and in any event within one month from the date of receipt of a copy of this order and kept under suspension till the disposal <sup>of</sup> ~~of~~ the case. The period between the date of <sup>dismissal</sup> ~~removal~~ and the date of reinstatement shall be regularised ~~and~~ in accordance with law, at culmination of the proceedings. No costs.

(GOVINDAN S. TAMPI)  
MEMBER (A)

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