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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1759 OF 2003

New Delhi, this the 5th day of February, 2004

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

Jagir Singh
ASI in Delhi Police
(PIS No.28720391)
R/o Q.No.167, Police Colony,
Ashok Vihar, Phase-I,
New Delhi.

....Applicant
(By Advocate : Shri Anil Singal)

Versus

1. GNCT of Delhi through
Commissioner of Police,
Police Head Quarter,
IP Estate, New Delhi.
2. Joint Commissioner of Police,
Traffic, Police Head Quarter,
IP Estate,
New Delhi.
3. DCP (Traffic),
Police Head Quarter,
IP Estate, New Delhi.

....Respondents
(By Advocate : Shri Rishi Prakash)

ORDER (ORAL)

SHRI JUSTICE V.S. AGGARWAL:-

The applicant is an Assistant Sub Inspector in Delhi Police. He faced departmental proceedings and the disciplinary authority had imposed the following penalty:-

"Hence, I take a lenient view and impose the punishment of forfeiture of two years approved service permanently for a period of two years upon ASI Jagir Singh, No.2539-D with immediate effect. It is further ordered that the pay of ASI Jagir Singh, No.2539-D will not earn increments of pay during the period of reduction and that on expiry of this period, the reduction will have the effect of postponing his future increments of pay. His suspension period from 17.03.2001 to 12.08.2001 be treated as period not spent on duty for all intents and purposes."

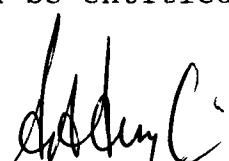
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2. The applicant preferred an appeal which was dismissed.

3. Without dwelling into any other facts on the merits of the matter, the learned counsel of the applicant has drawn our attention towards the decision in the case of Shakti Singh Vs. UOI & Ors. in CWP No.2368/2000 decided on 17.9.2002. Rule 8 (d) (ii) of the Delhi Police (Punishment & Appeal) Rules, 1980 had come up for consideration before the Delhi High Court. Almost similar penalty has been imposed in the said case of Shakti Singh (supra). The Delhi High Court has held that it violates Rule 8 (d) (ii) of the rules referred to above.

4. Same is the position herein. Consequently following the ratio deci dendi of the decision in the case of Shakti Singh (supra), we allow the present OA and the impugned orders are quashed. It is further directed that the disciplinary authority may consider all the relevant facts available and thereupon pass a fresh order in accordance with law preferably within a period of three months from today. The applicant would be entitled to the consequential benefits.


(S.A. SINGH)
ADMINISTRATIVE MEMBER


(V.S. AGGARWAL)
CHAIRMAN

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