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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1927/2003

Tuesday, this the 6th day of April, 2004

Hon'ble Shri Justice V. S. Aggarwal, Chairman
Hon'ble Shri S. K. Naik, Member (A)

Jasbir Singh
Constable of Delhi Police
(PIS No.28893249)
r/o V & PO Mandola
Dist. Gaziabad, UP

(By Advocate: Shri Anil Singal) ..Applicant

Versus

1. Govt. of NCT of Delhi
through Commissioner of Police
PHQ, IP Estate, New Delhi
2. Jt. Commissioner of Police
Armed Police PHQ
IP Estate, New Delhi

(By Advocate: Shri Ajesh Luthra) ..Respondents
O R D E R (ORAL)

Justice V.S. Aggarwal:

The applicant is a Constable in Delhi Police. He was dismissed from service vide order dated 1.5.1998. He preferred OA-1781/2001. The order of punishment had been quashed. Resultantly, the applicant had been reinstated. We are informed that another departmental proceedings have been initiated and he was again dismissed from service on 31.5.2002 but in appeal, the order of dismissal was set aside.

2. The grievance of the applicant is that while he has been exonerated, the intervening period, i.e., the date of dismissal from 1.5.1998 to the date of reinstatement, i.e., 11.12.2001 and again from 31.5.2002 to the date of the order of 12.11.2002 has been decided to be a period not spent on duty.

VS Ag

3. To that extent, the applicant seeks quashing of the order and prays that the said period should be taken to be spent on duty with consequential benefits accruing to him.

4. The petition has been opposed.

5. We have heard the parties' learned counsel.

6. The facts which we have referred to above are not in dispute. The applicant who did face departmental action had not been found guilty of any charge. Resultantly, he has been reinstated. In the facts, the principle of 'no work no pay' will not have a role to play because the applicant was not absenting from duty at his own will but he could not discharge the duties because of the orders that were passed and the same have since been set aside.

7. Resultantly, we allow the present application and direct that the period from 1.5.1998 to 11.12.2001 and 31.5.2002 to 11.11.2002 should be taken to be spent on duty for all practical purposes with consequential benefits accruing to the applicant and decision in this regard should be taken within three months of the receipt of a certified copy of the present order.

Naik
(S. K. Naik)
Member (A)

/sunil/

V Ag
(V.S. Aggarwal)
Chairman