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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**O. A. NO. 2244/2003**

New Delhi, this the 17th day of March, 2004

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

Constable Krishan Gopal  
No.6091/DAP (now 1615/SD)  
son of Shri Khushi Ram  
Resident of V & PO Hasangarh  
District Rohtak (Haryana) ... Applicant

(By Advocate: Sh.P.K.Singh, proxy for Sh.B.B.Kaushik)

Versus

1. Union of India  
through  
The Commissioner of Police, Delhi  
Police Headquarters  
MSO Building  
I.P.Estate  
New Delhi - 110 002.
2. The Joint Commissioner of Police (AP)  
Police Headquarters  
MSO Building  
I.P.Estate  
New Delhi - 110 002.
3. The Deputy Commissioner of Police  
1st Bn Delhi Armed Police  
Police Headquarters  
MSO Building, I.P.Estate  
New Delhi - 110 002. ... Respondents

(By Advocate: Sh.Mohit Madan, proxy for Sh.Ajesh Luthra)

**O R D E R (Oral)**

Justice V.S. Aggarwal:-

The applicant assails the order passed by the disciplinary authority dated 13.8.98 and that of the appellate authority dated 23.4.2003. The disciplinary authority had imposed the following penalty on the applicant:

"I, therefore, order that three years approved service of all the four defaulters namely HC Jaibir Singh No.145/DAP, Constable Sushil Kumar No.350/DAP, Constable Krishna Gopal No.6091/DAP and Constable Bijender Singh No.683/DAP is hereby forfeited

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permanently for a period of three years by entailing reduction in their pay from Rs.3965/- PM to 3170/- PM, Rs.3500/- PM to Rs.3275/- PM, Rs.3425/- PM to Rs.3200/- PM and Rs.3275/- to Rs.3050/- PM respectively in the time scale of pay with immediate effect. They will not earn increments of pay during the period of reduction and on the expiry of this period the reduction will have the effect of postponing their future increments of pay.

HC Jaibir Singh No.145/DAP, Constable Sushil Kumar No.350/DAP, Constable Krishan Gopal No.6091/DAP and Constable Bijender Singh No.683/DAP were placed under suspension vide DD No.92 dated 30.6.97/1.7.97 CPR Vijay Ghat read with order no.XVI(144)/97/5476-5507/HAP(P-I)/1st Bn DAP dated 2.7.97 and reinstated vide order no.9295-9350/HAP/1st Bn DAP dated 23.10.97. The suspension period from 1.7.97 to 27.10.97 is hereby treated as period not spent on duty for all intents and purposes."

2. He preferred an appeal which has since been dismissed.

3. During the course of submissions, it was pointed that the penalty so awarded violates rule 8(d)(ii) of Delhi Police (Punishment and Appeal) Rules. 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



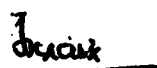
provision. It, therefore, must be strictly construed.


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."

4. When the present case is 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.

5. Resultantly, without dwelling into any other contention, we quash the impugned orders and remit the matter back to the disciplinary authority with the direction to pass a fresh order in accordance with law.

  
(S.K. Naik)  
Member (A)

  
(V.S. Aggarwal)  
Chairman

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