

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-2536/2015



New Delhi, this the 22nd day of November, 2019

Hon'ble Sh. A.K. Bishnoi, Member(A)

Hon'ble Sh. R.N. Singh, Member(J)

Ajeet Singh, Age -35 years

No. 1645/Crime (PIS No. 299990041)

S/o late Sh. Jai Prakash

R/o H. No. 45, VPONaya Bans

P.S. Narela, Delhi.

... Applicant

(through Sh. Sachin Chauhan)

Versus

1. Govt. of NCTD
Through Commissioner of Police
Delhi Police
Police Headquarters, IP Estate
New Delhi.
2. The Joint Commissioner of Police
Crime,
Through Commissioner of Police
Delhi Police
Police Headquarters, IP Estate
New Delhi.
3. The Addl. Commissioner of Police
Crime, Delhi
Through Commissioner of Police
Delhi Police
Police Headquarters, IP Estate
New Delhi.
4. The Dy. Commissioner of Police
Crime & Railway
Through Commissioner of Police
Delhi Police

Police Headquarters, IP Estate
New Delhi. ... Respondents

(through Ms. Sumedha Sharma)



ORDER(ORAL)

Hon'ble Sh. R.N. Singh, Member(J)

It is an admitted case that the applicant was proceeded against along with co-delinquent, namely, Constable Mukesh Yadav, No. 730/Crime/(PIS No. 28900968) and both of them have been awarded punishment of dismissal from service and such disciplinary order on appeal has been affirmed by the Appellate Authority. The aforesaid Sh. M.K. Yadav has approached this Tribunal challenging the order of dismissal from service and the order by which the Appellate Authority affirmed the same vide OA No. 3548/2015 and this Tribunal has dismissed the OA vide order/judgment dated 31.05.2016. The judgment of this Tribunal in M.K. Yadav(supra) was challenged before the Hon'ble High Court in WP(C) No. 6005/2017 and the Hon'ble High Court of Delhi vide order/judgment dated 20.09.2017 has upheld this Tribunal's judgment dated 31.05.2016 and dismissed the Writ Petition.

2. Ms. Sumedha Sharma, learned counsel for the respondents submits that as the facts and grounds in the case of Constable M.K. Yadav and those in the present case are identical, the claim of the applicant deserves to be dismissed in view of the judgment/order of this Tribunal affirmed by the Hon'ble High Court in the case of M.K. Yadav(supra).



3. Sh. Sachin Chauhan, learned counsel for the applicant does not dispute the facts. He, however, submits that the ratio of the judgment of the Hon'ble Supreme Court in Tarsem Singh vs. State of Punjab has not correctly been considered by the Hon'ble High Court in M.K. Yadav(supra).

4. However, in the facts and circumstances that in the case of M.K. Yadav, identical issue has been considered by the Hon'ble High Court and the ratio of the judgment of the Hon'ble Supreme Court in Tarsem Singh(supra) has also been considered by the Hon'ble High Court, we do not find any merit in the present case and accordingly, the same is dismissed. However, no order as to costs.

(R.N. Singh)
Member(J)

(A.K. Bishnoi)
Member(A)

/ns/