

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.531/2017
M.A. No.537/2017

Orders reserved on : 17.10.2019

Orders pronounced on : 04.11.2019

**Hon'ble Mr. Ashish Kalia, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Sonia
Constable in Delhi Police,
PIS No.280981321
Aged about 27 years
W/o Sh. Ram Pratan
R/o 114, Phase-II,
Delhi Police Apartment,
Dwarka, New Delhi-78.
2. Pinki
Constable in Delhi Police,
PIS No.28090440
Aged about 29 years
W/o Sh. Pushpender Singh
R/o B-38, Gali No.6,
Karawal Nagar Road,
Nehru Vihar, Delhi-94.
3. Sheoraj
HC in Delhi Police,
PIS NO.28821627
Aged about 58 years
S/o Late Sh. Itwari Lal,
R/o D-16, Laxmi Garden,
Loni, Ghaziabad, UP.

....Applicants

(By Advocate : Shri Anil Singal)

VERSUS

1. Govt. of NCT of Delhi,
Through Commissioner of Police,
PHQ, IP Estate, New Delhi.
2. Addl. C.P. (Traffic)
PHQ, IP Estate, New Delhi.

.....Respondents

(By Advocate : Shri Amit Yadav)

O R D E R

Hon'ble Mr. Ashish Kalia, Member (J) :

MA 537/2017

This MA has been filed by the applicants seeking together in a single OA. For the reasons stated therein, the same is allowed. The applicants are permitted to join together in a single application.

OA 531/2017

The reliefs claimed by the applicant are as under:-

- “1. To quash and set aside the impugned Findings dt. 14.11.2012, Order of Punishment dt. 3.4.2013 and Appellate Order dt. 8.1.2016 with all consequential benefits.
- 2. To award costs in favour of the applicant and pass any order or orderds which this Hon'ble Tribunal may deem just & equitable in the facts & circumstances of the case.”
- 2. Brief facts of the case are that applicants while holding the post of Constable (Executive) with the respondents were posted at ISBT Traffic Point. A joint departmental enquiry was initiated against the applicants and 11 other Police Officials vide order dated order dated 21.9.2011 on the ground that four private buses were plying between ISBT Kashmiri Gate to Faridabad without permit on 18.4.2011 and were picking passengers from ISBT with the knowledge and connivance of the area Traffic Police. The Enquiry Officer submitted its findings on 14.11.2012 concluding therein that charges levelled against the applicants stand proved. The findings of the EO are perverse in

nature and are based on no evidence. The applicants have been held guilty on surmises and conjunctures without considering their defence statements. The Disciplinary Authority has awarded penalty of withholding of next increment for a period of one year vide order dated 3.4.2013. Appellate Authority vide order dated 8.1.2016 rejected 8.1.2016 rejected the appeals of the applicants.

3. Aggrieved by this, applicants have approached this Tribunal on the ground that no specific allegations have been pointed out against the applicants as to which time and place what misconduct was committed by the applicants except they were posted at ISBT traffic point on 18.4.2011. Thus the allegations are totally vague and lack of material particulars.

4. Notices were issued. Respondents filed their reply stating therein that a joint departmental enquiry was initiated on 21.9.2011 against 14 officials including the applicants as during surveillance, two buses bearing Registration Nos.DL-1PB-8259 and RJ-02P-1017 picked up passengers from ISBT, Kashmiri Gate for Faridabad, Ballabghar (Haryana) etc. Further these buses were stopped by Inspector S.M. Sharma of PRG Cell with the help of traffic staff of SVC at Aali More signal. The drivers of these buses could not have the permit and other documents of the buses as these buses were plying and picking passengers unauthorisedly from ISBT Kashmiri Gate without permits, with the knowledge and connivance of traffic staff posted in the area. It is further stated that enquiry was conducted against the applicants and others 11 police officials.

Applicants have given their replies and due opportunities were granted to the applicants. They prayed for dismissal of the OA.

5. Heard learned counsel for the parties at length.
6. During course of hearing, learned counsel for the applicants cited the judgment passed by this Tribunal in OA No.4196/2013 decided on 17.5.2016. The relevant portion of the said judgment reads as under:-

“7. In the present case also, we are of the view that the SCN dated 09.08.2011 issued to 17 officers in one go, who were posted at different places, should have pinpointed the individual lapses on the part of each one of them so as to enable them to submit their defence in the absence of such specific details, the applicant has been deprived of his right to defence in the face of the vague allegations made in the SCN. In view of the above, we find the SCN dated 09.08.2011 as also the order confirming the penalty of censure dated 12.10.2011 and the order of the appellate authority dated 18.06.2013 not sustainable. Accordingly, these orders are quashed and set aside in respect of the applicant. The applicant will be entitled to all consequential benefits. It goes without saying that the respondents will have liberty to proceed against them, if so advised, by giving them a proper SCN in accordance with the rules and law.”

Since this Tribunal had already adjudicated the similar issue, nothing is left to be decided by this Tribunal in this OA. Accordingly, the present OA is allowed in terms of directions contained in the Order dated 17.05.2016 in OA No.4196/2013. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Ashish Kalia)
Member (J)