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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2196/2007**

COMMISSIONER OF POLICE

..... Petitioner

Through: Mr. Naushad Ahmed Khan, ASC with
Mr. Astha Nigam, Adv.

versus

PREETPAL SINGH

..... Respondent

Through: Mr. Anil Singal, Adv. along with
respondent.

+ **W.P.(C) 2216/2007**

DEPUTY COMMISSIONER OF POLICE

..... Petitioner

Through: Mr. Naushad Ahmed Khan, ASC with
Mr. Astha Nigam, Adv.

versus

CHATTAR PAL SINGH

..... Respondent

Through: Mr. Anil Singal, Adv. along with
respondent.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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09.02.2016

These two writ petitions by the Commissioner of Police impugn a common order dated 6th November, 2006 passed in OA No. 442/2005 by the Central Administrative Tribunal in favour of Head Constable Preet Pal Singh and OA No.237/2005 passed in favour of Constable Chattar Pal.

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During the course of hearing our attention was drawn to the enquiry report dated 26.4.2004, the order passed by the Disciplinary Authority dated 16.8.2004 and the order passed by the Appellate Authority dated 16.11.2004.

Counsel for the Commissioner of Police has submitted that the Tribunal in the impugned order, after referring to the order of the Appellate Authority; has failed to notice that the Appellate Authority had taken a lenient view to reduce the penalty/punishment of dismissal from service, to forfeiture of three years approved service permanently entailing reduction in their pay from Rs.4,305/- to Rs.4,050/- per month in the case of Head Constable Preet Pal Singh and Rs.3,965/- to Rs.3,710/- in the case of Chattar Pal Singh. He submits that the order of the Appellate Authority may not be very lucid but it could be incorrect and erroneous to hold that the Appellate Authority had overturned the finding recorded in the enquiry report. The charge stands proved. Thus, the order of the Tribunal completely exonerating the respondents is contrary to law and should be set aside.

Learned counsel for the respondents has submitted that the Appellate Authority had taken into consideration various aspects and has specifically drawn our attention to the observations referring to the peculiar circumstances faced by the two respondents on account of precarious financial condition and domestic problem etc.

After hearing counsel for the parties, we were inclined to pass an order of remit for fresh adjudication by the Tribunal. However, counsel for the respondents has stated that he has spoken in detail to the respondents who are also present in the Court today and has

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instruction to state that they would not like to press their original applications and would accept the order of penalty as imposed by the Appellate Authority. The impugned order dated 6th November, 2006 may be set aside.

The statement made by counsel for the respondents in the presence of the respondents, are taken on record. Accordingly, we set aside the impugned order passed by the Tribunal dated 6th November, 2006; the effect thereof would be that the order of penalty imposed by the Appellate Authority dated 16th November, 2004 would be treated as having attained finality. Necessary consequences will follow.

The writ petitions are, accordingly, disposed off.


SANJIV KHANNA, J


NAJMI WAZIRI, J

FEBRUARY 09, 2016/ak