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

+ W.P.(C) 3073/2007

% *Judgment dated 19th July, 2016*

COMMISSIONER OF POLICE Petitioner
Through : Mr.Santosh Kumar Tripathi, Adv.

versus

KARAM CHAND Respondent
Through : Mr.D.S. Mehandru, Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE I.S. MEHTA

G.S.SISTANI, J (ORAL)

CM APPL. 9140/2016.

1. This is an application filed by the respondent seeking early hearing in the matter.
2. Heard and for the reasons stated in the application, the same is allowed.
3. Application stands disposed of.

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4. With the consent of counsel for the parties, present writ petition is set down for final hearing and disposal.
5. Challenge in this writ petition is to the order dated 3.7.2006 passed by Central Administrative Tribunal (in short '*the Tribunal*') by which O.A.No.752/2005 filed by the respondent stands allowed and the order dated 28.1.2004 passed by Disciplinary Authority and the order dated 18.5.2004 passed by Appellate Authority, rejecting the appeal of the

respondent, was quashed.

6. The brief facts to be noticed for disposal of the present writ petition are that the respondent was working as a Head Constable. The respondent along with two other persons, who were posted in the PCR Unit, were served with a Charge Sheet for major penalty in the year 2000 on account of the fact that they had visited one, Sanjay Farm House, and demanded Rs.500/- from the gardener. An enquiry was initiated. The Disciplinary Authority imposed the punishment of reduction of pay by ten stages with cumulative effect upon the respondent vide order dated 1.3.2001. Thereafter the respondent filed an appeal, which was rejected by the Appellate Authority vide order dated 14.1.2002. The respondent had then challenged the order of the Disciplinary Authority dated 1.3.2001 and the order of Appellate Authority dated 14.1.2002 by filing O.A.No.1279/2002. The O.A. was allowed and the Disciplinary Authority was directed to pass a fresh order in accordance with law. The Disciplinary Authority passed an order on 28.1.2004 against the respondent. The respondent filed an appeal against the order dated 28.1.2004. The Appellate Authority also rejected the appeal of the respondent, which led to the filing of O.A.No.752/2005. The respondent claimed that the impugned orders were non-reasoned and non-speaking orders, they are based on mere conjectures and surmises, and they have been passed by the authorities without appreciating the facts. By the impugned order dated 3.7.2006, the O.A. was allowed.
7. Mr.Mehandru, learned counsel for the respondent, submits that a charge sheet was issued against all the three persons i.e. the petitioner herein (HC Karam Chand), HC Lurku Oroan and Ct.(Driver) Sri Pal. It is further submitted that against the order of the Tribunal, HC Lurku Oroan had filed W.P.(C) No.6623/2003, which was allowed on

14.11.2007 on the ground that the Disciplinary Authority could not impose multiple punishment for the same misconduct. Counsel contends that in the order dated 14.11.2007 reference has also been made of the present respondent as three persons were involved in the charge sheet, being petitioner herein (HC Karam Chand), HC Lurku Oroan and Ct.(Driver) Sri Pal. Mr.Mehandru further submits that by the order dated 14.11.2007 while allowing the writ petition the Disciplinary Authority has been directed to pass a fresh order in accordance with law from the stage the impugned order had been passed. In support of this contention, counsel has drawn the attention of the Court to the order dated 14.11.2007, a copy of which has been placed on record.

8. Mr.Mehandru submits that he would have no objection if the present writ petition is allowed and the impugned order is set aside.
9. Resultantly, the impugned order dated 3.7.2006 passed by the learned Tribunal is quashed. We direct the Disciplinary Authority to pass a fresh order in accordance with law from the stage the impugned order had been passed.
10. Writ petition stands disposed of.

G.S.SISTANI, J

I.S. MEHTA, J

JULY 19, 2016

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