
(2019) 04 CAT CK 0039

In the Central Administrative Tribunal

Case No : Original Application No. 3101 Of 2013

Surender Pal

APPELLANT

Vs

Commissioner Of Police

RESPONDENT

Date of Decision : 25-04-2019

Acts Referred:

Delhi Police, (Punishment & Appeal) Amendment Rules, 2011 — Rule 11(1)

Citation : (2019) 04 CAT CK 0039

Hon'ble Judges : Pradeep Kumar, J; Ashish Kalia, J

Bench : Division Bench

Advocate : Ajesh Luthra, Amit Yadav, Ankur Chhibber

Final Decision : Dismissed

Judgement

Ashish Kalia, J

1. The applicant was constable in Delhi Police. He was entrusted investigation of FIR No. 684/00 u/s 326/34 IPC on complaint by Sh. Azad Singh. Later on one Bhupender Kumar with connivance of Azad Singh got Registered a false FIR against applicant on allegation of corruption and the applicant was dismissed from service without holding departmental inquiry. Thereafter, he preferred an appeal and the same was rejected. Initially the applicant had filed OA No. 529/2007 against dismissal/rejection of appeal, which was allowed vide order dated 22.8.2007 and he was reinstated in the service. However, he was kept under suspension. Subsequently, a criminal case was registered against the applicant and he was convicted and, thereafter on 17.10.2012, the applicant was once again dismissed from service and departmental enquiry which was under progress has been revoked. Feeling aggrieved by this, the applicant approached the Tribunal for redressal of his grievance questioning the Rule 11(1) of Delhi Police, (Punishment & Appeal) Amendment Rule, 2011.

2. The reply was filed by the respondents during the course of the arguments. They have handed over a copy of the OA No. 2551/2014 wherein para 5 & 6, a

similar question has been dealt with by this Tribunal, which reads as under:-

"5. The counsel for the respondents equally vehemently contended that the legality and validity of amended Rule II(I) have already been examined and upheld by this Tribunal vide orders passed in OA No. 2446/2013 in the case of HC Khushi Ram Vs. Govt. of NCTD through the Commissioner of Police and Ors, OA 2930/2013 in the case of ASI Tej Singh Vs. Govt. of NCTD and Others and OA 1155/2013 in the case of ASI Dalip Pawar Vs. Govt. of NCTD through the L.G, GNCTD and others.

6. In respectful agreement with the reasoning given by this Tribunal in the above said cases, we are of the opinion that this OA requires to be dismissed.

3. In view of this, nothing survives in the OA, the same is dismissed. No order as to costs.