

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(3)

O.A.NO.1341/2002

Thursday, this the 23rd day of May, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Narendra Mohan
Inspector of Delhi Police
No.D-1/879, resident of
D-823 Sarswati Vihar
New Delhi

..Applicant

(By Advocate: Shri Inderjit Sharma)

Versus

1. Commissioner of Police
Police Headquarters,
I.T.O., New Delhi
2. Joint Commissioner of Police
Northern Range, Delhi
3. Dy. Commissioner of Police
Central District, Delhi

..Respondents

O R D E R (ORAL)

This is a case in which a minor penalty of censure has been imposed on the applicant, an Inspector in Delhi Police.

2. Before the penalty of censure was imposed by the disciplinary authority's order dated 16.7.2001 (P-3), a show cause notice was issued to the applicant on 6.6.2001 (P-1). The applicant had filed a detailed reply to the aforesaid show cause notice on 20.6.2001 (P-2). The order imposing the penalty of censure was taken in appeal but, by an order passed on 21.2.2002 (P-5), the appellate authority upheld the order passed by the disciplinary authority and rejected the appeal filed by the applicant.
3. I have heard the learned counsel for the applicant at length and have also perused the material placed on record.

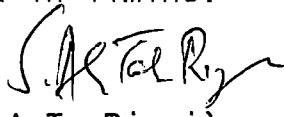
4. A minor penalty order can always be passed after considering the reply, if any, filed by a delinquent official in response to a show cause notice. Moreover, the disciplinary as well as the appellate authorities are expected to pass reasoned and speaking orders. I find that, in the present case, the respondents have complied with the procedural requirement in full and the disciplinary as well as the appellate authorities have both passed reasoned and speaking orders.

5. The learned counsel appearing on behalf of the applicant has found fault with the orders passed by the aforesaid authorities by supplying details in respect of persons/criminals named in the show cause notice issued to the applicant and also referred to in the orders passed by the aforesaid authorities. The point generally made in the show cause notice and the aforesaid orders in respect of these criminals is that had the applicant taken preventive action against them in a timely fashion, the situation which arose on 6.4.2001 when some persons started pelting stones and damaged vehicles, shops, houses etc. would not have arisen. This is, in my view, a matter in which the respondents-authorities are competent to arrive at their own conclusions subject to their subjective satisfaction. Such matters, by their very nature, cannot be looked into by law courts. Accordingly, the law courts and Tribunals cannot substitute their judgement by their own judgement. Moreover, in the present case, apart from the failure on the part of the applicant to take timely action against the criminals, the respondents have also stated that had

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the applicant made a proper arrangement at the time the crowd was returning, the incident of pelting of stones could have been averted. This again is something on which no judgement can be made by a law court. Thus, even without re-appraising the evidence, I am not persuaded to find any merit in the pleadings of the applicant and the submissions made by the learned counsel appearing on his behalf.

6. In the light of the foregoing, the OA is found to be devoid of merit and is dismissed in limine.


(S.A.T. Rizvi)
Member (A)

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