

Central Administrative Tribunal, Principal Bench

Original Application No.422 of 2002

with

Original Application No.382 of 2002

New Delhi, this the 26th day of September, 2002.

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M.P. Singh, Member(A)

O.A. 422/2002

Head Const. Lurku Oroan No.1460PCR
(PIS No.28780602)
S/o Shri Jhirga Oroan,
presently posted in Police Control Room
R/o Qr.No.43, P.T.S. Malviya Nagar,
New Delhi

....Applicant

O.A. 382/2002

Const. (Driver) Sri Pal No.4383/PCR
(PIS No.28893374)
S/o Shri Mool Chand
presently posted in Police Control Room
R/o Village Mahipal Pur/South West District
New Delhi.

....Applicant

(By Advocate: Shri Arvind Singh)

Versus

1. Union of India, through
Additional Commissioner of Police
Police Control Room, Police Head Qrs.,
I.P. Estate
New Delhi.

2. Deputy Commissioner of Police of
Police Control Room, Police Head Qrs.,
I.P. Estate
New Delhi.

3. Shri Tej Ram, ACP Enquiry Officer,
Through DCP/H.Q. Police Head Qrs.,
I.P. Estate, New Delhi

....Respondents

(By Advocate: Shri Harvir Singh in O.A.422/2002
Shri Ajay Gupta in O.A.382/2002)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By this common order, we propose to dispose of
O.A.422/2002 and O.A.382/2002, together.

2. One Shri P.C. Sharma had made a complaint on



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13.11.2000 that the staff of the Police Control Room van demanded Rs.500/- from the Mali (Gardener) of Sanjay Farm House and further said that if amount is not paid, he would be put in jail. It led to the departmental proceedings against the applicants. As a result of the departmental proceedings that had been conducted, the enquiry officer after recording the evidence, returned the findings that the said charge referred to above is established. In pursuance of the same, the Deputy Commissioner of Police passed the order which reads -

"And, therefore, I, Dr.M./Ponnaian IPS, DCP, PCR, Delhi hereby accept the findings of the E.O. entirely and absolutely and in the interest of natural justice and fair play hereby order that the pay of HC Karam Chand, No.1013/PCR be reduced by 10 stages from Rs.4220/- p.m. to Rs.3370/- p.m. The pay of HC Lurku Oraon No.1460/PCR be reduced by 10 stages from Rs.4390/- p.m. to Rs.3540/- and the pay of Ct. (Dvr.) Sri Pal, No.4383/PCR be reduced by 10 stages from Rs.3725/- p.m. to Rs.3050/- p.m. in their time scale of pay for a period of 10 years with immediate effect. It is further directed that they will not earn increment of pay during the period of reduction and that on the expiry of this period the reduction will have the effect of postponing their future increments of pay."

3. Of course the applicants were directed to be reinstated from suspension with immediate effect. They have preferred an appeal which has been rejected.

4. Learned counsel for the applicants asserted that it is a case of no evidence because the witnesses had failed to identify the applicants to be present in the Police Control Room van and that the number of the P.C.R. van has also not been correctly given.


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5. We do not dispute the proposition that the departmental proceedings and findings arrived therein would be set aside in judicial review in case there is no evidence on record to support those findings, the findings are perverse in terms that no reasonable person would come to such a conclusion. But at the same time, we deem it necessary to add that in a departmental proceeding, it is not the proof beyond reasonable doubt that is required. It is preponderance of probabilities which can weigh with the enquiry officer and the disciplinary authority.

6. While the Gardener states that the applicants were not the persons in the P.C.R. van but the said evidence on record, particularly of ASI Mohar Singh establishes that the base of the applicants' vehicle namely P.C.R. van in question was at that place and they were on duty from 8.00AM to 8.00PM. The Gardener as such was illiterate and it would be indeed too much to expect in this regard. The minor discrepancy in mentioning the number of vehicle is not going to be a tilting factor. When applicants were on duty and the vehicle number is almost identical, the logical conclusion arrived at by the enquiry officer in the facts of the present case, requires no interference. Resultantly it cannot be stated that it was a case of absolutely no evidence on the record.

7. No other argument has been raised. For these reasons, both the O.As. must fail and are dismissed *in limine*


(M.P. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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