

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 3385/2002

(A)

This the 31st day of December, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri V. Srikantan, Member (A)

1. Mohinder Singh,
Sub-Inspector, Delhi Police,
No. D-3483
S/o Sh. Batan Singh,
R/o 411, Gomukh Apartments,
Delhi Police Colony, Kaushambi,
Dist. Ghaziabad, U.P.
2. Sohanvir Singh
Hd. Constable, Delhi Police,
No. 173-E,
Present No. 446/E,
S/o Sh. Raj Singh,
R/o Kasba Patla, P.S. Niwari,
Dist. Ghaziabad, U.P.

At present posted at :
P.S. Anand Vihar, Delhi.

....Applicants

(By Advocate : Shri O.P. Sharma)

Versus

1. Hon'ble Lt. Governor,
National Capital Territory,
Rajpur Road, Rajniwas,
New Delhi.
2. Commissioner of Police,
PHQ,
Inderprastha Estate,
New Delhi.
3. Jt. Commissioner of Police,
New Delhi Range,
PHQ, New Delhi.
4. Dy. Commissioner of Police,
East Distt.,
Shalimar Park, Bholanath Nagar,
Shahdara, Delhi

....Respondents

ORDER (ORAL)

Shri Justice V.S. Aggarwal, Chairman :

Applicant No.1 - Mohinder Singh is a Sub Inspector in Delhi Police while applicant No.2 - Sohanvir Singh is a Head Constable in the same police force.



2. By virtue of the present application, they assail the orders passed by the Deputy Commissioner of Police, East Distt., dated 27.9.2001 and of the Appellate Authority (Joint Commissioner of Police) dated 17.10.2002 whereby their appeal had been dismissed.

3. The disciplinary authority had awarded the penalty for forfeiture of one year approved service entailing reduction in pay permanently of both the applicants. Pay of applicant No.1 was reduced from Rs.6,200/- to Rs.6025/- per month and pay of applicant No.2 was reduced from Rs.4135/- to Rs.4050/- per month in the time scale.

4. The relevant facts are that according to the department Head Constable Sohanvir Singh while working as duty officer in the Police Station Tirlokpur, at about 3.00 P.M. on 10.11.1999, received information regarding an incident in which about two children had fallen in an open acid tank at House No.C-9, Ganesh Nagar, Near Mother Dairy DDA Flats, Tirlokpur, Delhi but he did not write the information in writing and he even did not inform the officer-incharge of the police station. Sub Inspector Mohinder Singh was sent to ascertain the facts, and he is stated to have visited the spot and met Shri Ajit Singh R/o D-45/B, Pandav Nagar; still he did not take steps to ascertain the facts nor had made any efforts to locate the hospital where children had been admitted. At about 7.30 PM, he was directed by the officer-incharge of the police

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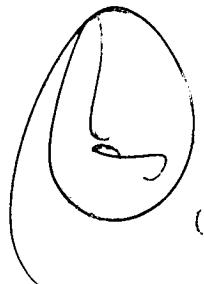
station to enquire the matter and submit a detailed report. He did not return to Police Station nor apprised the officer-Incharge of the police station about the facts. The facts came to the knowledge of the officer-incharge of the police station when the dead bodies of the deceased children were brought to the residence by the father and a crowd had gathered. It is this dereliction of duty that prompted the department to initiate the departmental action.

5. The inquiry officer had given the findings against the applicants and that prompted the disciplinary authority to pass an order already referred to above.

6. Learned counsel for the applicant had referred to various facts to bring home that the applicants had no knowledge because according to him, there was no information that has been so recorded that was brought to their notice.

7. We are conscious of the fact that in a judicial review this Tribunal does not have the power of an appellate authority against the order passed by the disciplinary authority or the appellate authority. Suffice to add the Tribunal will interfere if it was a case of no evidence or so perverse that no reasonable person would come to that finding/conclusion.

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8. In the present case, there is enough material which found favour with the disciplinary authority to pass the order referred to above. The authority noted that the applicants did not take due care and caution and particularly applicant no.1 without verifying the facts went to the hospital while applicant no.2 also did not make any entry in the daily diary register. The penalty/punishment awarded is commensurate with the nature of the default.

9. Resultently, OA fails and is accordingly dismissed in limine.


(V. Srikantan)

Member (A)


(V.S. Aggarwal)

Chairman

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