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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1095/2002

This the 4th day of October, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Shri Swadesh Ranjan, PET
S/o Shri Shiv Dayal Singh,
Govt. Boys Sr. Sec. School, Gokalpur Village,
E-Block, Delhi-94.

R/o 82/3, Shakti Vihar,
Sadatpur, Delhi-94.

...Applicant.

(By Advocate: Sh. K.P. Dohare)

Versus

Govt. of NCT of Delhi, through,

1. Chief Secretary,
Govt. of NCT of Delhi,
5, Sham Nath Marg, Delhi-54.
2. Secretary (Education),
Govt. of NCT of Delhi,
5, Sham Nath Marg, Delhi-54.
3. Director of Education,
Govt. of NCT of Delhi,
Old Secretariate, Delhi-54.

...Respondents.

(By Advocate: Sh. Mohit Madan proxy for
Mrs. Avnish Ahlawat)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant in this case impugns the order dated 27.6.2001 vide which the respondents had recorded a warning in his service book and was also advised to be more careful in future.

2. The facts in brief are that the applicant is working as Physical Education teacher under the respondents. On 13.2.91, the applicant submits, after finishing his duties he went to his hometown village for which purpose he had also taken the station leave. But there he was involved in a criminal case due to enmity with some of his neighbours. Applicant remained in custody as he was remanded to judicial custody on 14.2.91. Applicant alleges that he requested Ghaziabad Police to inform

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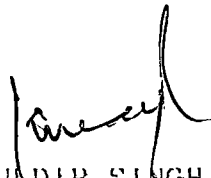
his department about his arrest and that he had been taken to judicial custody. Applicant was released on bail on 18.3.91 and on the same day the applicant informed the department by way of his application but the applicant was placed under deemed suspension. However, ultimately the applicant was acquitted in the criminal case and after obtaining the certified copy of the judgment he applied for reinstatement and for fixation of his pay etc. and vide impugned order the respondents honoured the judgment of the criminal court and suspension order was withdrawn and the period of suspension was treated as period spent on duty for all purposes under FR 54 A. However, the disciplinary authority observes that applicant failed to maintain the absolute integrity and the exact FIR against him for which he was arrested. So he was given a recordable warning. Applicant had impugned the order on the ground that since he was in custody with whatever little information he could pass on through police he tried to pass it to the department regarding his arrest and immediately on release from jail on bail he informed his department about his arrest. Respondents admit that the applicant vide his letter dated 3.6.91 informed the respondents and had also promised to submit copy of the FIR in due course. But the applicant had submitted another FIR in which he was a complainant against the opposite party. When this FIR was got verified only then respondents came to know about the involvement of the applicant in the another FIR. Thus, respondents prayed that applicant had failed to inform.

3. I have heard the learned counsel for the parties and gone through the record. It is an admitted fact that applicant was arrested and was sent to judicial custody. So applicant was judicially prevented to inform his department though he had made a request to the Police authorities to inform his

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department but he could inform only after he was released on bail. Though applicant had taken a plea that applicant immediately informed the department after his release on bail from jail and he had also referred to certain instructions issued by the Ministry of Home Affairs that necessary instructions to be issued to the Police authorities that in case of arrest or release of a Govt. servant on bail the police should inform the officer of the Govt. servant. So counsel for applicant pleads that in this case applicant also himself requested to the Police authorities, Ghaziabad but they did not inform and then he immediately on release from jail informed the respondents. But from the perusal of the record and the documents placed on record, I find that the applicant has not annexed any document or a copy of application or a copy of letter vide which he had informed the department. Even his assertion in the OA are also vague. Though he states that immediately on release from jail he had informed but he does not give any date of information given to the respondents about his arrest nor he gives any mode of conveying such information to his department. So this plea that he had informed his department immediately on release from jail seems to be an afterthought. Hence I find that the department had rightly held that the applicant had failed to maintain absolute integrity while informing the exact FIR against him and his explanation to that was also not found satisfactory.

4. Hence, I find that there is nothing to interfere in the OA. OA is devoid of any merit and the same is dismissed.


(KUNDIP SINGH)
Member (J)