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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1659/2002

Monday, this the 1st day of July, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

SI (Ex.) Kanwar Sahab Singh
No.D/1199, PS Hauz Khas, New Delhi-16 ..Applicant
(By Advocate: Ms. Jasvinder Kaur)

Versus

1. Govt. of NCTD
through Commissioner of Police
Police Head Quarters
I.P.Estate, New Delhi
2. Joint Commissioner of Police
Southern Range, New Delhi
Police Head Quarters
I.P.Estate, New Delhi ..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

On the basis of the charge which reads as under,

"It is alleged that SI. Kunwar Sahab Singh No.D-1199 remained medical rest without seeking permission from competent authority from 30.6.99 to 7.7.99, 28.7.99 to 31.7.999 and 4.8.99 to 11.8.99 and also absented himself unauthorisedly on 11.7.99 vide D.D.No.8-E, 21.7.99 vide D.D.No.9-E and on 1.8.99 he did not visit the place of occurrence while he was investing case FIR No.362/99 u/s 307/34 IPC.P.S.K.M.Pur and he also mentioned incorrect place of occurrence in the "RUKKA" i.e., Road outside Prem Nagar Market instead of H.No.8 behind Prem Nagar. Lateron Shri Girish Kumar the then SHO/K.M.Pur had visited the site and had traced the correct scene of crime. Apart from this on 27.8.99 the SI came for attending the briefing late and without wearing uniform and when asked by the then SHO why he was late and without uniform, he replied in an indiscipline manner and refused to wear the uniform."

in the disciplinary proceedings, the disciplinary authority, by an order passed on 12.6.2000 (A-6), has imposed on the applicant a penalty of forfeiture

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permanently for a period of one year of one year's approved service entailing proportionate reduction in his pay from Rs.6200/- PM to Rs.6025/- PM for a period of one year. The aforesaid order further directed that during the period of reduction aforesaid, the applicant will not earn increment of pay and upon the expiry of the said period, the reduction will have the effect of postponing his future increments of pay. The period of the applicant's suspension from 20.9.1999 to 4.6.2000 was also directed to be treated as not spent on duty. In the departmental appeal filed by the applicant, the aforesaid penalty has been modified by holding that the penalty imposed by the disciplinary authority was a little too harsh and was not in tune with or commensurate with the quantum of lapse. Accordingly, the appellate authority diluted the penalty to forfeiture of service for a period of one year temporarily from the date of the punishment order.

2. The learned counsel appearing on behalf of the applicant submits that since out of the several allegations made in the aforesaid charge only one allegation, namely, that of unauthorized absence and availing of medical rest without permission has been sustained, the penalty ultimately imposed by the appellate authority would also appear to be too harsh. The aforesaid orders, therefore, deserve to be quashed and set aside. We have considered the matter and find that the appellate authority has already taken a lenient view having regard to the part of the charge sustained during the inquiry and the penalty ultimately imposed

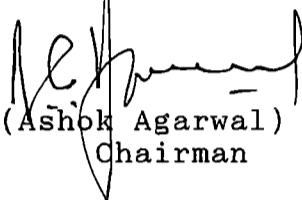
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cannot, in our judgement, be termed as harsh. The Tribunal is not expected to interfere in the matter of degree of punishment imposed unless, in a rare case, the punishment inflicted is so excessive as to shock our ^{, Conscience -} judicial ~~functions~~. The present case does not, in our view, fall in that category. There is no ground, therefore, for interfering with the orders passed by the appellate authority. The present OA, therefore, deserves to be dismissed in limine and the same is dismissed.


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


(Ashok Agarwal)
Chairman

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