

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1123 of 2002

New Delhi, this the 26th day of May, 2003

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Inspector Rohtash Singh No. D-1822
Police Training College,
Jharoda Kalan,
New Delhi. Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. NCT of Delhi through the Chief Secretary,
New Secretariat,
New Delhi.
2. The Commissioner of Police,
Police Headquarters,
I.P. Estate,
New Delhi.
3. The Additional Commissioner of Police
(Establishment)
Delhi Police Headquarters,
I.P. Estate,
New Delhi.
4. The Joint Commissioner of Police,
Northern Range, Police Headquarters,
I.P. Estate,
New Delhi.

-RESPONDENTS

(By Advocate: Shri Sumedha Sharma)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant in this OA filed under Section 19 of the Administrative Tribunals Act, 1985 has assailed the order vide which he has been communicated the adverse remarks for the period 11.12.1997 to 31.3.1998 vide order dated 31.10.1999.

2. The facts in brief are that the applicant who is working as Inspector in Delhi Police claims to have unblemished record and has also earned numerous commendation certificates. However, while he was posted



as an Inspector in North West District a liquor tragedy had taken place in which 7 people lost their lives and as an aftermath of liquor tragedy, the applicant was put under suspension w.e.f. 22.4.1997 and was reinstated on 10.12.1997. Departmental inquiry was also initiated against the applicant. However, while recording the remarks the competent authority had observed that "while the applicant was posted as an Inspector in North-West District, his conduct came into adverse notice during the liquor tragedy of Shakur Pur with multiple deaths. His integrity is doubtful. Moral character: good. Dealing with the public and assessibility to the public: Average. Impartiality/Objectivity: Average etc". The applicant claims that as per the relevant instructions on the ACR and the principles which are to be observed by the Reporting Officer, the remarks like 'Doubtful character', 'complaints received about his taking illegal gratification' are not permissible. Entries should be based on established facts and not on mere suspicion. Applicant in this case has also pleaded that though the Reporting Authority had observed about his honesty: his conduct came into adverse notice during the liquor tragedy of Shakur Pur, but this period could not be taken into consideration as the liquor tragedy had taken place much earlier to the period for which his ACRs have been recorded and there is no established fact which may doubt his honesty for the period 11.12.1997 to 31.3.1998, so these remarks should not have been made.



3. The applicant also submitted that the representation against these adverse remarks had been disposed of vide impugned order without passing any speaking order thereon. As the impugned order simply says that the representation submitted by the applicant against the adverse remarks for the period in question has been considered and rejected by the competent authority, hence I find that the Annexure A-1 is merely a letter vide which the applicant has been conveyed that his representation against the adverse remarks had been rejected so the respondents were directed to produce the record vide which the representation had been disposed of by the competent authority.

4. The respondents have produced the record showing as to how the representation against the adverse entries are dealt with by the competent authority and I have also gone through the same.

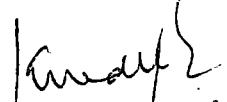
5. As regards the mentioning of the fact with regard to the liquor tragedy which had happened prior to the period in question that had merely been used to form basis to comment upon the honesty of the applicant which fact has been established and the applicant has been punished by the disciplinary authority on account of liquor tragedy which had occurred in the area during his tenure so that fact stoodp established. The competent authority had also considered the said facts and it is



based only on that, these remarks had been made against the applicant.

6. Merely that the applicant was under suspension during the period that does not mean that there was no material available with the Reporting Authority to arrive at his conclusion about the integrity of the applicant. Moreover the perusal of the departmental file vide which the representation had been disposed of would go to show that the competent authority after applying its mind fully had rejected the representation and maintained the remarks, as recorded.

7. Hence, I find that no interference is called for. OA is accordingly dismissed. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

/Rakesh