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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.939/2002

Monday, this the 8th day of April, 2002

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

Prabhu Dayal Ex. ASI (Ministerial) No.429-D
S/O Late Shri Sibba Ram
R/O 569/18, Om Nagar
Gurgaon (Haryana)

..Applicant

(Applicant in person)

Versus

1. The Chief Secretary
Govt. of NCT
5, Shyam Nath Marg, Delhi
through
the Commissioner of Police
Police Head Quarters, IP Estate
New Delhi
2. The Joint Commissioner of Police
Southern Range, Police Hdqrs.
IP Estate, New Delhi
3. The Dy. Commissioner of Police
West District, Rajouri Garden
New Delhi

..Respondents

O.R.D.E.R. (ORAL)

By Hon'ble Shri S.A.T. Rizvi, M (A):

On the allegation that a confidential letter and two other official references were recovered from the residence of the applicant during a house search conducted by the CBI, the applicant has been tried departmentally and a penalty of dismissal from service was imposed on him by the disciplinary authority vide his order dated 19.12.2000 (P-2). On being carried in appeal, the penalty imposed has been modified to removal from service vide appellate authority's order dated 16.7.2001 (P-3).

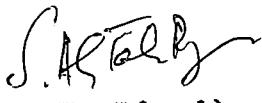
2. The applicant before us in person has sought to challenge the action taken against him by contending that

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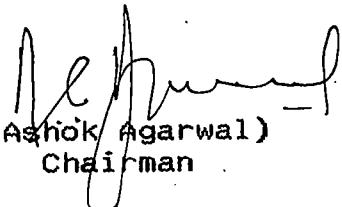
(2)

the aforesaid documents were actually not recovered from his residence and the said documents do not find mention in the search list drawn up at the time of house search (P-11). We have perused the material placed on record, including the search list and find that the same has been duly signed by the applicant's son Shri Bal Kishan. The search list also states that at the time of the house search, the said Shri Bal Kishan was present along with Smt. Bimla Devi, who happens to be the daughter in law of the applicant. The three documents in question admittedly relate to the criminal case in which the aforesaid Shri Bal Kishan, son of the applicant has been convicted.

3. We have perused the orders passed by the disciplinary authority as well as the appellate authority. In our judgement, there is nothing on record on the basis of which the applicant's plea could be sustained. The recovery has been made in the presence of the applicant's son and his daughter in law. The search list does not specifically refer to the aforesaid three documents, but the description available on page 2 of the search list clearly shows that the documents in question were recovered from the residence of the applicant. The applicant, in the circumstances, has no case and accordingly the OA deserves to be dismissed and is dismissed in limine.


(S.A.T. Rizvi)

Member (A)


(Ashok Agarwal)
Chairman

/sunil/