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Central Administrative Tribunal,  
Principal Bench

O.A. No.2262/2002  
M.A. No.2100/2002

New Delhi this the 23rd day of September, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. M. P. Singh, Member (A)

A.S.I. Sat Narain,  
S/o Shri Tilak Raj Sharma  
R/o B-54, Type II Quarters,  
Pitampura, Police Line,  
New Delhi.  
(By Advocate : Shri R.P. Bhardwaj)

- Applicant

Versus

1. The Commissioner of Delhi Police,  
P.H.Q., I.P. Estate, New Delhi.
2. The Lt. Governor,  
Govt. of N.C.T. of Delhi,  
Raj Niwas, Delhi.

- Respondents

ORDER (ORAL)

Mr. Justice V.S. Aggarwal, Chairman:

MA No.2100/2002

OA 2262/2002 had been dismissed in default on 3.9.2002. For the reasons stated in the application, OA referred to above is restored to its original number.

OA 2262/2002

On 28.6.1996, the applicant while posted at Police Station Vivak Vihar Daily Dairy Nos.16A and 17A were entrusted to him. It mentions that one Shri Gajraj died due to consumption of unknown poison. During the course of formal inspection of Police Station, Vivak Vihar by the Deputy Commissioner of Police (Shri P.K. Bhardwaj) some short-comings were found and in proceeding under Section 174 Criminal Procedure Code. The departmental inquiry had been initiated against the applicant with regard to the following short comings :-

*As Ag*

1. Forwarding of the proforma was found missing from the file which authorized Civil Surgeon for autopsy.

2. Receipt of handing over, dead body, memo was not found attested by the E.O(the appellant).

3. On the statements of witnesses Ashok s/o Hari Singh r/o 77-C/1, Janta Colony, Delhi, Sakuntla and Kamal r/o as above, found to be recorded by the appellant but the he had not attested the statements.

4. Postmortem report was not available on the file.

5. As per the sample seal No.2976/96 and C/23042, certain exhibits were handed over by the appellant but seizure memo was not found to have been prepared by the appellant.

2. After inquiry, it was found that the charges had partly been proved. The disciplinary authority imposed the major penalty of forfeiture of two years' approved service temporarily entailing reduction in his pay by two stages for a period of two years without cumulative effect. The appeal filed by the applicant had been dismissed.

3. It is apparent from the records that the applicant was found negligent to get dead body and did not get post-mortemed. The inquest of Shri Gajraj was not entered in Daily Dairy in time and subsequently the above-said punishment had been imposed. The learned counsel for the applicant <sup>asserts</sup> ~~assails~~ that the applicant was innocent and all this was done at the directions of the senior officer. But indeed this Tribunal will not go into the said controversy, as after examination of the material evidence on the record, the aforesaid finding had been arrived at. It

*As Ag*

(3)

is not a case in which it can be stated that there was no evidence to give rise to such a conclusion. In that view of the matter, we find no ground to interfere. OA must fail and is dismissed.

*Singh*  
( M.P. Singh )  
Member(A)

*Ag*  
( V.S. Aggarwal )  
Chairman

/ravi/