



**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA No. 4247/2015

**Reserved On: 12.12.2019
Pronounced On: 20.12.2019**

Hon'ble Mr. S. N. Terdal, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)

Vikramjit Singh, Warder 41 years,
Son of Sh. Mahesh Chander
Vill. & P.O. Baproda
Distt. Jhajhar, Haryana-124503

...Applicant

(By Advocate: Shri P.C. Mishra)

Versus

1. Govt. of NCT of Delhi
Through
Chief Secretary, GNCT, Delhi
2. Principal Secretary (Home)
Delhi Sachivalaya, I.P. Estate
New Delhi-110002
3. Director General of Prisons
Prisons Headquarters
Near Lajwanti Garden Chowk,
Janak Puri, New Delhi-110064.

-Respondents

(By Advocate: Shri Vijay Pandita)

ORDER

Hon'ble Mr. A.K. Bishnoi, Member (A):

The present OA has been filed by the applicant seeking the following reliefs:-

- “8.1 To quash the Inquiry Report and set aside the orders of penalty issued by the Disciplinary Authority on 11.3.2014.
- 8.2 To set aside the orders of dismissal of appeal passed by the Appellate Authority on 29.9.2015.

8.3 To pass any such order as the Hon'ble Tribunal deems fit."



2. Briefly the facts of the case are that the applicant was working as a Warder in Central Jail, Tihar, New Delhi. On 15.03.2011, he was assigned the duty of escorting ten prisoners, who were in the de-addiction centre in Jail No.3 back to their respective Jails. One, out of ten prisoners, was a High Risk Prisoner. An ambulance was provided for transporting the prisoners and the rear door of the ambulance was shut and locked. The applicant was seated on the front seat of the ambulance along with driver. At a certain point during the transit, some amongst the prisoners in the ambulance kicked open the rear door of the ambulance and three prisoners jumped out of the moving ambulance. The ambulance was stopped and it was found that the lock on the latch was intact but the door was forced open. Subsequently, the three prisoners who had escaped from the ambulance were caught within the Jail compound itself.

2.1 Thereafter the applicant was issued a charge sheet on 23.08.2011 with the Article of Charge that he did not give any attention to the hue and cry raised by the prisoners because of the threat given to them by other prisoners and subsequently three prisoners kicked open the rear door of the ambulance and escaped from the



ambulance. The inquiry was conducted and the Inquiry Officer found the Charged Officer guilty of negligence in duty and concluded that the charge levelled against him stands proved.

2.2 The Disciplinary Authority on 11.03.2014, considering the inquiry report, passed an order under CCS (CCA) Rules, 1965 imposing upon the applicant the penalty of reduction of pay by two stages for two years with cumulative effect.

2.3 The applicant thereafter made an appeal dated 28.04.2014 to the Appellate Authority, which was rejected vide order dated 29.09.2015.

2.4 Shri P.K. Mishra, learned counsel appearing on behalf of the applicant submitted that the applicant was sitting as a co-passenger along with the driver in a separate compartment from where the prisoners were seated. He was totally unarmed and consequently was in no way equipped to handle the situation created by a group of prisoners. Even then he acted promptly and managed to prevent further prisoners from escaping as also in getting caught those who had escaped within the Jail compound itself. He further submitted that since a High Security Prisoner was required to be escorted, an officer of the rank of Assistant Superintendent should have



also been associated with the transit. The applicant made such a request to the Deodhi Officer, which was turned down. He contended that under the circumstances, the punishment imposed upon the applicant was unjust as there was no failure on the part of the applicant in diligently carrying out his duties.

3. Shri Vijay Pandita, learned counsel appearing on behalf of the respondents contended that the applicant having been assigned the duty of escorting the prisoners was expected to take all necessary measures to ensure that no prisoner had an opportunity to escape during the transit. A specific query was put to the learned counsel for the respondents as to whether there are any Standard Operating Procedures relating to escorting the prisoners and, if so, a copy of the same be placed on record, and, it be also explained as to which act of omission or commission was the applicant responsible for. However, despite sufficient opportunities, no specific reply was given. One paper which briefly touched upon the issue was submitted which, however, was practically of no assistance in understanding the process.

4. We have carefully gone through the pleadings on record and also considered the submissions made by the learned counsels for the two sides.



5. We note that the respondents have not been able to show any Standard Operating Procedures regarding transit of prisoners. We do not know whether there are any such procedures in existence or not but without any reference to such procedures and without providing to the Charged Officer the opportunity to defend himself against any allegation regarding their violation, drawing any adverse conclusion against him and punishing him appears fundamentally flawed and against the principles of natural justice.

6. It cannot be ignored that the applicant was the only official on escort duty, he was unarmed and was sitting in the driver's cabin, which was separate from the cabin in which the prisoners were seated. The concerned authorities while assigning the escort duty to the applicant did not take into consideration his limitations and vulnerability with regard to the magnitude of the responsibility being given. It appears that the Disciplinary and Appellate Authorities had unreasonably high expectations from the applicant and have not taken into account the circumstances in which he was performing his duty while coming to a conclusion relating to his guilt and awarding the punishment.



7. In view of the discussion as given above, we find that the penalty imposed upon the applicant is significantly disproportionate to the extent of his alleged negligence. Hence, we set aside the penalty imposed upon the applicant. However, the respondents are at liberty to pass an order imposing any lesser penalty.

8. The OA is accordingly disposed of. No order as to costs.

(A.K. Bishnoi)
Member (A)

(S.N. Terdal)
Member (J)

CC.