



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 237/2014

This the 19th day of December, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Nasib Singh (Constable),
S/o. Sh. Kanwal Singh,
R/o. VPO Talao, Distt. Jhajjar,
Haryana.

....Applicant

(By Advocate : Mr. M. K. Bhardwaj)

Versus

Commissioner of Police & Ors., through :

1. Commissioner of Police,
Police HQ, IP Estate,
New Delhi.
2. The Joint Commissioner of Police,
South Western Range, New Delhi.
3. The Addl. Dy. Commissioner of Police,
West District, New Delhi.

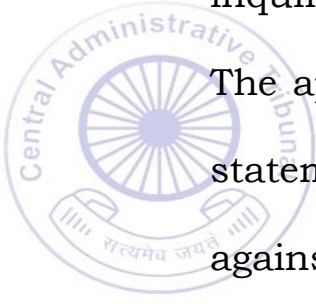
...Respondents

(By Advocate : Mr. Amit Anand)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant was Constable in the Delhi Police. He was placed under suspension on 02.10.2009 and thereafter, disciplinary proceedings were initiated on 29.03.2011, as provided for in the relevant disciplinary rules. Allegations were made against the applicant and two others also. The

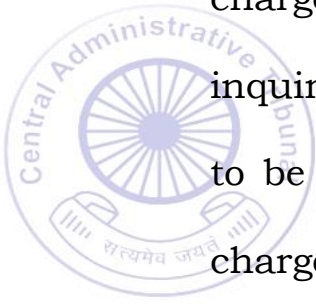


inquiry officer framed the charge after conducting inquiry.

The applicant was given opportunity to submit his defence statement and in the inquiry report, the charge framed against the applicant was held proved. Taking the same into account, the Disciplinary Authority (DA) passed an order dated 06.06.2012, dismissing the applicant from service. Appeal preferred by the applicant was rejected on 09.12.2012. This O.A is filed challenging the order of dismissal as upheld by the Appellate Authority (AA).

2. The applicant contends that the allegations made against him are totally false and they were concocted only to cover misdeeds on the part of the higher officials. He submits that there were several contradictions in the alleged inquiry, and still, the I.O. held the charge as proved. It is also his case that the punishment imposed against him is disproportionate.

3. The respondents filed counter affidavit opposing the O.A. It is stated that the charges framed against the applicant are very serious in nature. It is stated that on apprehending the culprits, the applicant has accepted illegal gratification from them and permitted them to escape. It is also stated that huge amount was recovered from the applicant in a raid conducted in his house and the



charge against the applicant was held proved in the inquiry. It is stated that the punishment cannot be stated to be disproportionate, having regard to the gravity of the charge proved.

4. We heard M. K. Bhardwaj, learned counsel for applicant and Mr. Amit Anand, learned counsel for respondents.

5. The applicant was initially placed under suspension on 02.10.2009, in relation to his acts and omissions, referable to the cases of burglary at Lajpat Nagar. It was alleged that though the applicant apprehended two burglars, he permitted them to remain free by accepting illegal gratification. The disciplinary proceedings were initiated vide memo dated 29.03.2011. The inquiry officer framed the charge, which reads as under :-

“CHARGE

I Insp., K. S. N. Subudhi Enquiry officer charge you, Const. Nasib Singh, No. 1166/W, that on 02.09.2009, one Shri Param Preet Singh S/o. Sh. Heera Singh R/O. A-1/50, Safderjung Enclave, New Delhi filed a complaint in PS Lajpat Nagar, Delhi regarding burglary in his house No. F-1/93, First Floor, Lajpat Nagar, Delhi. On his complaint a case FIR No. 332/09 u/s 454/380 IPC was registered at PS Lajpat Nagar. As per the list given by the complainant Rs.67 lacs cash, 3 pairs of Diamond sets, one diamond chain, one bed sheet and some personal document and one cloth bag stolen. One person Sharief Ahmed @ Govind Khan S/o. Subedar Khan was arrested vide DD No. 23 A, dated 16.09.2009, u/s 41/.1 CrPC, PS Nihal Vihar by ASI Mahender Singh and he disclosed his involvement in the above cited cases of PS Lajpat Nagar, Delhi and simultaneously the accused was arrested in the case as per procedure and latter on the investigation of the case was transferred to Crime Branch vide Order No, 3136-37/P.Sc.CP/Delhi dated 17.09.2009 and the further



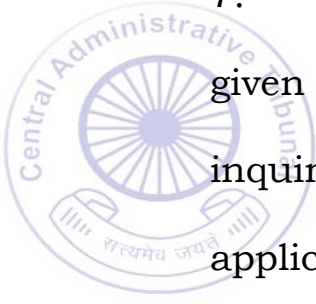
investigation was conducted by SI Ritesh Kumar. During investigation SI Ritesh Kumar arrested other accused persons involved in PS Lajpat Nagar case and during their interrogation it was revealed that two accused persons namely Sharif and Lalita were apprehended earlier by you, you had let them off after taking Rs.19 thousand and 24 thousand respectively from their respective share of the stolen money. On further interrogation of other accused persons it was found that you also took money from other persons out of burgled property also.

You were arrested in the said case after admission of your involvement as disclosed by the arrested accused persons. On sustained interrogation and as per your disclosure statement a burgled property amounting to Rs.4.42 lacs were recovered from your rented room at Nihal Vihar in presence of public witness Sh. Subhash Chand.

When the matter came into the notice of the SHO/PS Nihal Vihar, you were asked to narrate the true facts, but you concealed the facts and told that there is information on which you were working and assured SHO/PS Nihal Vihar that, you would produce the culprits and get the case worked out. SHO PS Nihal Vihar warned you to produce the accused persons with the recovery of stolen property before him. On this you asked accused Sharief to arrange some more money and accused Sharief brought Rs. One Lacs and then he was arrested u/s. 41.1 Cr. PC with the recovery of Rs. One Lacs.

The above act on your part (Ct. Nasib Singh) amounts to gross misconduct, corrupt practices adopted and involved in criminal cases with connivance of criminals while in discharging your official duties which renders you liable for departmental action under Delhi Police (Punishment and appeal) Rules, 1980."

6. The applicant denied the charge by submitting the explanation. In the inquiry, several witnesses were examined and certain documents were filed. In his report dated 14.02.2012, the inquiry officer held the charge as completely substantiated. Taking the same into account, the DA passed a detailed order running into seven closely typed pages imposing the punishment of dismissal from service. The AA has also discussed the matter at length.



7. It is not the case of the applicant that he was not given opportunity of cross examining the witnesses in the inquiry. Every witness was cross examined by the applicant and nothing contrary was elicited. The findings of the inquiry officer are based on evidence. The inquiry is not vitiated in any manner, whatsoever.

8. Coming to the quantum of punishment, it cannot be said that the dismissal is disproportionate to the allegation proved against the applicant. The police official is expected to control crime and go to the rescue of the persons who are in worry. The conduct of the applicant is so irrepressible, that he took advantage of the burglary in the area and even benefitted himself from the theft. The recovery of more than Four Lakhs from him remained unexplained.

9. We do not find any merit in the O.A. The O.A is dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/