

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/2210/2014

New Delhi, this the 16th day of January, 2020



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Suraj Pal Singh
Aged about 49 years,
HC of Delhi Police
PIS No.28890436
S/o Late Sh. Sarjeet Singh
R/o 194-A, GG-1,
Vikas Puri, New Delhi-18

...Applicant

(Through Shri Anil Singal, Advocate)

Versus

Govt. of NCT of Delhi through

1. Commissioner of Police
PHQ, IP Estate,
New Delhi
2. Joint Commissioner of Police
South-Western Range, P.H.Q.,
I.P. Estate, New Delhi
3. Addl. D.C.P. (West Distt.),
PS Rajouri Garden,
New Delhi

... Respondents

(Through Shri Vijay Pandita, Advocate)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant was working as a Head Constable in Delhi Police. Disciplinary proceedings were initiated against him through order dated 26.03.2013. It was alleged that on



9.02.2013, a call was received in Police Station Saket from a woman by name Rashika, wife of Shri Sunil Kumar, alleging that the applicant herein entered her house in the evening in a drunken condition and asked her to sit by side. It is stated that when she declined, he threatened her of serious consequences. It is also stated that FIR No.55/13 was registered and the police officials were sent to her house. Thereafter, the investigation is said to have taken up. Disciplinary proceedings were initiated against the applicant, alleging that he tried to outrage the modesty of a woman in a drunken condition.

2. The applicant denied the charge and stated that Rashika is none other than his niece and that her complaint was read in a different context.

3. In the course of inquiry, several witnesses including the police officials and Mrs. Rashika were examined. The Inquiry Officer (IO) submitted his report holding that the charge against the applicant is proved. Taking into account, the report of the IO and the explanation submitted by the applicant, the Disciplinary Authority (DA) passed order dated 12.07.2013 imposing the punishment of forfeiture of one year approved service on permanent basis. The suspension of the applicant was also revoked. The appeal filed by him was rejected. Hence, this OA.



4. The applicant contends that the entire case rests upon the so called complaint submitted by Ms. Rashika, and in the disciplinary proceedings, she has categorically stated that the altercation was between the applicant and her husband and a totally different picture was presented in the charge memo. It is stated that once the complainant has presented a version different from the charge, there was absolutely no basis for the IO to record the finding that the charge is proved much less, for the DA, to impose penalty. Other grounds are also pleaded.

5. The respondents filed counter affidavit opposing the OA. It is stated that the charge against the applicant was very serious in nature and that resulted in a criminal case as well as disciplinary proceedings. It is stated that though Ms. Rashika has resiled from her statement, the remaining evidence on record was adequate to hold that the charge is proved and accordingly the IO submitted his report. It is stated that the punishment imposed is proportionate to the charge, held proved.

6. We heard Shri Anil Singal, for the applicant and Shri Vijay Pandita, for the respondents.

7. Criminal case on the one hand and disciplinary proceedings on the other, were initiated against the applicant on the basis of the complaint said to have been received from one Ms. Rashika, wife of Shri Sunil Kumar. If

one takes into account, the version of the police, the charge is really serious. The applicant is alleged to have entered the house of Ms. Rashika in a drunken condition and tried to outrage her modesty.



8. The entire case would rests upon the version of Ms. Rashika. The reason is that the FIR was based on a telephone call made by her. That woman was examined as PW-1 and the gist of her evidence is recorded by the IO as under:

“She stated that she is residing at the above said residence along with her family members. She is house wife. On 9/2/13 at about 2.30PM her husband Sunil Kumar was present at the house to take lunch and she was preparing lunch in the Kitchen. In the mean time, Suraj Pal Singh her maternal uncle reached there and both of them took lunch together & she went in other room and there was altercation of hot words between Suraj Pal Singh and her husband while taking lunch. She afraid and rang 100 number to avoid any mishap between them. Her husband had gone on his duty after taking lunch. After half an hour Police reached her house and took her & Suraj Pal Singh to the Police Station. She had denied to go at the Police Station but the lady const. accompanied them and told that to come back after 10-15 minutes. She went to the Police Station leaving behind his two daughters at the house. ASI Tulsi Ram took her signature on some papers and then allowed her to go her house and Suraj Pal Singh was sent for medical examination because he was under influence of Liquor.

Opportunity given to defaulter HC Suraj Pal Singh to examine the PWs but he did not do so.”

9. From this, it becomes clear that the applicant is the maternal uncle of PW-1 and what made her to call the police station was the altercation between the applicant on the one hand and her husband on the other. Both of them are said

to have consumed liquor and under the influence thereof, they started quarreling. Though the conduct of the applicant cannot be approved or countenanced, the entire thing falls to ground with the statement of PW-1 when it becomes the question of allegation of outrage of modesty of a woman.



10. The IO has drawn inference on the basis of statement recorded from the other police officials. Once the original complainant has not supported the charge, there is no basis to impose the punishment on the applicant. The criminal case is also said to have ended in compromise.

11. We, therefore, allow the OA and set aside the punishment. The forfeited service of the applicant shall stand restored with immediate effect but he shall not be entitled to be paid any arrears. However, other benefits shall be extended to him. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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