

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1260/2001

New Delhi, this 12th day of December, 2001

Hon'ble Shri M.P. Singh, Member(A)

S.I.Jagmohinder Singh
D/1948 (PIS No.28690067)
PS Vasant Kunj, New Delhi

.. Applicant

(By Dr. S.P. Sharma, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Home Affairs
North Block, New Delhi
2. Lt. Governor
Raj Niwas, Delhi
2. Commissioner of Police
Police Hqrs.,
ITO, New Delhi
4. Dy. Commissioner of Police
Communication, Delhi

.. Respondents

(By Mrs. Jasmine Ahmed, Advocate)

ORDER(oral)

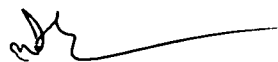
Heard the learned counsel for the parties. By the present OA, applicant has challenged the order dated 8.3.2000 by which he has been imposed a minor penalty of 'Censure' as also the letter dated 7.9.2000 by which he has been communicated certain adverse remarks recorded in his ACR for the period from 1.4.99 to 31.3.2000. He has also sought a direction to the respondents to grant him promotion alongwith his other contemporaries.

2. The admitted position in the present case is that the applicant joined Delhi Police as a Constable in the year 1969 and later on has been promoted to the post of Sub-Inspector. A show cause notice for 'Censure' was issued to him on 30.11.99 on the allegation of his wilful/unauthorised absence from duty without

7


permission/leave from the competent authority during the period October-November, 1999 by giving information on telephone only and getting entries made in the SOD on several occasions. After considering his reply to the show cause notice and after hearing him in the Orderly Room on 25.2.2000, the applicant was awarded the minor penalty of 'Censure' by the impugned order dated 8.3.2000. Thereafter, he was communicated certain adverse remarks recorded in his ACR for the period 1.4.99 to 31.3.2000 by letter dated 7.9.2000. He represented against it but the same was not acceded to and he was informed accordingly on 13.11.2000. He submitted another representation addressed to the Commissioner of Police and rejection of the same was communicated to him on 7.3.2001. Applicant made another representation to the Lt. Governor, Delhi but that was also not acceded to and he was conveyed accordingly by communication dated 7.4.2001.

3. From the material available before me, I find that the applicant, on several occasions during the period October-November, 1999, either left his duty abruptly or came late to office or remained absent from duty on one pretext or the other. He was rightly issued show cause notice by the respondents and after considering his representation and verbal submission made by him in the orderly room, which were not found convincing by the competent authority, he was awarded the penalty of 'censure'. Since this was only a minor penalty, no enquiry was required to be conducted as per rules. As regards communication of adverse remarks is concerned, since the respondents found the applicant a habitual late-comer, which was not permissible in a disciplined



force like Delhi Police, the reporting officer has rightly recorded in applicant's ACR for the aforesaid period as 'not punctual' and graded him 'average', based on his overall performance. The same were duly communicated to him in order to enable him to improve his performance. Thus, I do not find any infirmity in the action taken by the respondents in these spheres and no intervention is warranted by this Tribunal. In so far as his claim for promotion to the next grade is concerned, the same shall be considered by the respondents in his turn subject to his fulfilling the eligibility criteria.

4. For the aforementioned reasons, I do not find any merit in the present OA and the same is dismissed. No costs.


(M.P. Singh)
Member(A)

/gtv/