

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1860/2001

New Delhi, this day the 4th March, 2002

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Inspector Rajender Singh No.D-I/170,
S.H.O. P.S. Hari Nagar,
New Delhi

... Applicant

(By Advocate : Shri Shambhu Nath)

Versus

Commissioner of Police,
Police Head Quarters,
I.P. Estate,
New Delhi

... Respondents

(By Advocate : Ms. Neelam Singh)

O R D E R (ORAL)

Heard the learned counsel on either side at length. The material placed on record has also been perused.

2. The present O.A. is directed against the order dated 13.11.1999 by which a penalty of censure has been imposed on the applicant. It is also directed against the order dated 30.8.2000 passed in appeal preferred against the aforesaid order. The prayer made is for quashing and setting aside the impugned order dated 13.11.1999.

3. The applicant, who is an Inspector in Delhi Police, stands charged with leakage of directions given by the DCP and for disobedience of orders given. Insofar as the question of disobedience of orders given

is concerned, the learned counsel appearing on behalf

(2)

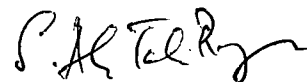
of the applicant has drawn my attention to the order passed by this Tribunal on 22.8.2001 in which it has been stated that the Inspector/SHO is entirely free to arrest a person under Section 151 (1) of Cr.P.C. in his own discretion and that, for the exercise of this authority, the Inspector/SHO is not required to take orders from superior officers. To this extent the charge of disobedience cannot be sustained as the DCP had by issuing the impugned directions tried to meddle in the discharge of lawful ^{duties} ~~responsibilities~~ by the applicant in his capacity as Inspector/SHO.

4. In relation to the other charge, namely, that of leakage of the directions given by the DCP, the disciplinary authority has passed a speaking and a reasoned order which clearly goes to show that the applicant was responsible for leaking the contents of his letter issued in confidence. The leakage of his directions resulted in mounting of pressure on the DCP by the interested parties. The appellate authority has also taken due note of the charge of leakage of the directions and has proceeded to uphold the order passed by the disciplinary authority.

5. Before the aforesaid orders were passed, the applicant was put to notice, but he chose to ignore the notice and did not file any reply or explanation. In the circumstances, the disciplinary authority, in my view, has correctly proceeded to impose the minor penalty of censure on the applicant and for right reasons the appellate authority has upheld the aforesaid order.

(3)

6. In the light of the foregoing, the OA is found to be devoid of merit and is dismissed. There shall be no order as to costs.



(S.A.T. RIZVI)
MEMBER (A)

/pkv/