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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

. O.A. NO.1900/2001

New Delhi this the 31st day of July, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

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

Ex. Const. Sukhbir Singh S/O Ved Ram,
R/O H.No.F-428, Vill. & P.O.Ghitorni,
P.S.Vasant Kunj,
New Delhi.

... Applicant

(By Shri K.K.Sharma, Advocate)

-versus-

1. G.N.C.T. of Delhi through
Chief Secretary, Delhi Secretariat,
Players Building, I.T.O.,
New Delhi.
2. Commissioner of Police,
Police Headquarters,
I.P.Estate, New Delhi.
3. Addl. Commissioner of Police (AP),
New Police Lines,
Kingsway Camp, Delhi.
4. Dy. Commissioner of Police,
III-Bn. DAP, Delhi.

... Respondents

O R D E R (ORAL)

Shri S.A.T.Rizvi, Member (A):-

On the allegation of being found in a drunken condition while reporting for duty on 9/10.6.1997, the applicant has been formally charged with grave misconduct, negligence and conduct unbecoming of a police officer rendering him liable for departmental action under the Delhi Police (Punishment & Appeal) Rules, 1980.

2. The enquiry officer conducted the proceedings and arrived at the conclusion that there was substance in the allegations levelled against the applicant and found the charge proved. The disciplinary authority considered the matter and by

(2)

his order dated 20.11.1998 removed the applicant from service. Later, the appellate authority on being approached, upheld the order passed by the disciplinary authority and rejected the appeal preferred by the applicant on 31.8.1999.

3. The learned counsel appearing in support of the OA submits that the respondents have made no effort to communicate their decision to proceed departmentally against the applicant and that the ex-parte proceedings conducted deserve to be set aside. He also disputes that the applicant was found drunk in terms of the charge. The record shows that at least on one occasion, i.e., on 4.10.1997, the applicant was directed to attend the office of the enquiry officer in connection with the departmental proceedings. He obviously did not attend the office of the enquiry officer. Thereafter, once again a direction was issued to secure his presence before the enquiry officer on 20.10.1997. The record also shows that after several attempts made by the respondents to secure the presence of the applicant failed, the competent authority was approached for a decision to allow ex-parte proceedings against the applicant. The permission was granted and it is only thereafter that the enquiry officer proceeded to conduct the enquiry on ex-parte basis.

4. At the instance of the learned counsel, we have perused the findings recorded by the enquiry officer. We find that all the three prosecution witnesses produced on behalf of the respondents have supported the charge against the applicant,

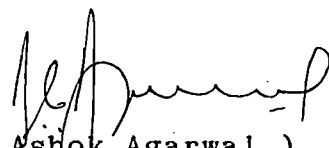
leaving no manner of doubt about the allegations levelled against the applicant. The medical officer before whom the applicant was produced has clearly opined that the applicant had consumed alcohol. There is no force, therefore, in the contentions raised by the learned counsel with regard to the ex-parte proceedings nor with regard to the charge^{of} not being ~~proved~~ ^{found drunk,} on the basis of evidence on record.

5. Enquiry officer's report is a reasoned report in which the conclusion of guilt has been arrived at after proper appreciation of the evidence. Similarly, the order passed by the disciplinary authority has been passed after a careful consideration of the facts and circumstances of the case and the report of the enquiry officer. The order passed is a speaking and a reasoned order. Likewise, the order passed by the appellate authority is also a speaking and a reasoned order in which he has carefully considered the various pleas raised by the applicant. In the circumstances, ^{we find} ~~there is~~ nothing in these proceedings which would enable us to interfere with the orders passed by the aforesaid authorities.

6. In the background of the discussion contained in the preceding paragraphs, we find that no prima facie case has been made out by the applicant in support of his claim. The OA, therefore, fails and is dismissed summarily.



(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman