

Central Administrative Tribunal, Principal Bench

O.A.No.1985/2001

New Delhi, this the 28th day of August, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member(A)

ASI Umed Singh  
No.4230/D (SWD)  
S/o Shri Himmat Singh  
R/o Vill. Karipur, P.O. Ujwa,  
Najafgarh, New Delhi

....Applicant

(By Advocate: Shri L.C. Rajput)

Versus

1. The Commissioner of Police (Delhi)  
Police Headquarters  
I.P. Estate,  
New Delhi.
2. The Joint Commissioner of Police,  
Southern Range,  
New Delhi.
3. The Dy. Commissioner of Police,  
South West District (Delhi Police)  
New Delhi.

....Respondents

(By Advocate: Mrs. Jasmine Ahmed)

Order (Oral)

By Justice V.S. Aggarwal, Chairman

Umed Singh applicant, by virtue of the present petition, has invoked Section 19 of the Administrative Tribunals Act, 1985 and seeks setting aside of the charge-sheet dated 7.4.2000 and also the findings of the enquiry report given by Inspector Bhatnagar besides the order passed by the Joint Commissioner of Police. Applicant seeks that the punishment awarded should be set aside.

2. The relevant facts are that the applicant had been charged with the following act of misconduct:

"I, Prem Lata Inspr-DCC/SWD charge you ASI (Dvr) Umed Singh No.4230/D that on 16.7.99 you were called by Addl. DCP-I/SWD through SI Parma Nand, Line Officer/SWD and even the orders of the Addl. DCP-I/SWD were conveyed to you by Inspector Suresh Dagar SHO/V. Vihar, ASI Rajiv Sharma, P.A. to Addl. DCP-I/SWD

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and Constable Suresh Kumar No.1708/SW. Instead of complying with the orders of the senior officer, you refused and insisted that you will first make your arrival report in South West Distt. Line, New Delhi then will report to the Addl. DCP(I)/SWD. Inspector Suresh Dagar took you to the room of P.A. to Addl. DCP-I/SWD but you left the room as well as the premises of the P.S. Vasant Vihar without seeing the Addl.DCP-I/SWD.

The above act of insubordination, disobedience on your part amounts to gross misconduct of carelessness, negligence, dereliction in the discharge of your official duty and unbecoming of a Police Officer which renders you, liable for punishment under the provision of Delhi Police (Punishment & Appeal) Rules,1980."

3. Enquiry, as such, had been conducted. The findings of the enquiry officer were in terms that the applicant was guilty of the charge of negligence, carelessness, disobedience and insubordination. The punishment was awarded by the competent authority to withhold the next increment of the applicant for a period of three years with cumulative effect. His suspension period from 16.7.99 to 24.8.99 was to be treated as period not spent on duty for all intent and purposes. The applicant preferred an appeal and the Joint Commissioner of Police reduced the punishment to withholding of next increment for a period of one year with cumulative effect.

4. The applicant assails the above said orders contending that the findings of the enquiry officer and the other authorities are perverse. They are based on no evidence. There were further no written complaints against the applicant and that he was performing his duty and had not shown any act of insubordination.

5. The respondents contested the petition and reiterated what has already been reproduced above. It was reiterated that on 16.7.99, the applicant was called

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by the Additional Deputy Commissioner of Police through S.I. Parma Nand. The applicant, instead of complying with the orders of the senior, refused and told the Line Officer that he would firstly make his arrival report and then only would meet the officer. The applicant was told to appear before the Additional Deputy Commissioner of Police but he refused and left the Police Station without appearing before the Additional Deputy Commissioner of Police.

6. Learned counsel for the applicant highlighted the fact that there is perversity in the findings arrived at by the enquiry officer because there was no evidence on record to substantiate the assertions of the department.

7. So far as this particular contention is concerned, it has to be stated to be rejected. Reasons are obvious and not far to fetch. The enquiry officer had recorded the evidence of seven witnesses including the statement of Sub Inspector Parma Nand. He has categorically supported what is alleged against the applicant. This Tribunal would only interfere if there was no evidence or the findings are totally perverse. In the normal circumstances, this Tribunal will not scrutinise the evidence. There should be cogent and compelling reasons to do so. When there was no evidence on record, it could not be stated that findings in this regard were perverse.

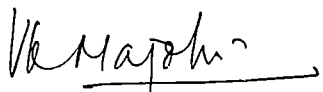
8. In the event, it had been contended that the applicant was performing his duty. The truck was loaded and the applicant wanted to make his arrival entry. In that view of the matter, as per the learned counsel, it cannot be stated that there was any act of insubordination on the part of the applicant.


9. So far as <sup>the</sup> facts are concerned, it is admitted that the applicant is a driver and wanted to make his entry of the

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arrival but charge against him is of gross misconduct, carelessness and insubordination. He had been called by the Additional Deputy Commissioner of Police but he refused to adhere to such a request. It is this charge which has been held to be proved. In a disciplined force, unless there are other cogent reasons, such an act was rightly not approved. No other argument was raised.

10. In view of above, it is patent that there is little ground to interfere. O.A. must fail and is dismissed.

  
( V.K. Majotra )  
Member(A)

  
( V.S. Aggarwal )  
Chairman

(clh)