

Central Administrative Tribunal, Principal Bench

Original Application No.2259 of 2001

New Delhi, this the 4th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

Hukam Singh s/o Shri Raghbir Singh  
Head Constable No.431/W PIS No.2882142  
P.S. Vikaspuri, Delhi  
Resident of H.No. New-32,  
Chhattarpur, New Delhi-30

- Applicant

(By Advocate: Shri V.K. Trikha)

Versus

1. The Commissioner of Police  
Delhi Police,  
Police Head-quarters, I.P. Estate  
New Delhi-2
2. The Joint Commissioner of Police  
Southern Range  
Police Head Quarters  
New Delhi-2
3. Deputy Commissioner of Delhi Police  
West District,  
P.S. Rajouri Garden,  
New Delhi

- Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

Disciplinary proceedings were initiated against the applicant, a Head-Constable in Delhi Police with the following statement of allegations:

"that he while posted in P.S. Punjabi Bagh and performing emergency duty on the night between 12/13.8.89, he was marked a D.D. entry No.17-A P.S. Punjabi Bagh regarding accident occurred at the red light on the road leading from General Store, Punjabi Bagh to Rajouri Garden. At 8.10 A.M., Head Constable Hukam Singh, No.431/W lodged D.D.No.3-A dated 13.8.99 mentioning therein that on receipt of D.D.No.17-A, he reached Moti Nagar Ring Road Crossing and found Scooter No.DL-2SB-8299 in accidented condition at the spot. He also learned that injured had already been taken to DDU Hospital and the truck involved in the accident had fled away from the spot. Thereafter he reached DDU Hospital, Hari Nagar, New Delhi leaving Ct. Rakesh, No.1755/West on the spot and obtained MLC No.E74897 vide which one Badri was reportedly admitted in the Hospital who had

already left the hospital before H.C. reached there. The Doctor had mentioned the injuries as simple by Blunt object. The H.C. further mentioned in the report that he went to the house of the injured at C-2/54, J.J. Colony, Inderpuri, New Delhi which was found locked. HC further mentioned that Truck No.DL-IGA-5521 was found detained at Raja Garden Picket. He went there and found that the Driver of the Truck had already escaped leaving the truck. The H.C. further wrote in the report that from the R.C. of the truck he came to know the address of the truck owner and went to his place but he could not meet the owner of the truck. H.C. further wrote that in view of the above circumstances, the inquiry regarding DD No.17-A of 12/13.8.99 is kept pending and SHO has been informed about this incident.

2. On 17.8.99, HC Hukum Singh, No.431/West again lodged DD No.22-A P.S. Punjabi Bagh mentioning therein that he went to DDU Hospital and came to know that injured Badri Prasad S/o Sadu Ram R/o C-2/54, J.J. Colony Inderpuri had already been discharged. HC went to this house and met the injured and came to know from the injured that he had already compromised the matter with the Driver and as such no police action was required by the injured and accordingly the D.N. No.17-A dated 13.8.99 was filed.

3. On 17.8.99, father of the injured appeared before the ACP/Punjabi Bagh and reported that the HC Hukum Singh, No.431/West forcibly made him to compromise the matter with the Driver and did not register the case. He also informed that he was paid Rs.1000/- by the Driver of the truck in lieu of the compromise. Later on, the injured as well as his father came to P.S. Punjabi Bagh and case vide FIR No.666/99 dated 17.8.99 u/s 279/337 IPC was got registered against the Driver of truck No.DL-IGA-5521. On enquiry, it was found that HC Hukum Singh, No.431/West had brought the Truck involved in the accident to the Police Station and he pressurised the complainant to compromise with the Truck Driver for Rs.1000/- instead of registering a case u/c 279/337 IPC. He neither seized the Truck nor the Scooter involved in the accident case but instead, he allowed the Truck and its Driver to leave the Police Station possibly with an ulterior motive. He acted with malafide intention right from the beginning and lodged false D.D. entries in the daily Diary with the intention to protect the culprit."

2. Enquiry officer, on appraisal of the evidence adduced before him, by his report of 25.7.2000 (page 37), found that the aforesaid allegations were not proved. The disciplinary authority vide his note of disagreement of

20.9.2000 (page 38), disagreed with the findings of the enquiry officer. Aforesaid note of disagreement was duly served upon the applicant who, in turn, submitted his representation against the same vide representation of 28.9.2000 (page 40). The disciplinary authority by his order of 6.11.2000 (page 20) has found the aforesaid allegations proved against him and has imposed penalty of forfeiture of five years approved service. Pay of the applicant was directed to be reduced by five stages from Rs.3965/- to Rs.3540/- in the time scale of pay for a period of five years with a direction that he will not earn increments of pay during the period of reduction and on expiry of the said period, the reduction will have the effect on postponing his future increments of pay (page 22). Aforesaid order of the disciplinary authority was carried by the applicant in appeal and the appellate authority by his order of 16.7.2001 (page 18) has maintained the order of the disciplinary authority. Aforesaid orders of the disciplinary authority as affirmed by the appellate authority are impugned by the applicant in the present OA.

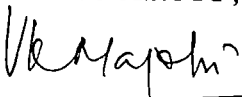
3. We have heard Shri Trikha, learned counsel appearing in support of the OA and we find that the impugned orders are just and proper and do not call for any interference in the present OA.


4. As far as the findings of the enquiry officer in respect of exoneration of the applicant are concerned, the disciplinary authority was well within his powers to disagree with the findings of the enquiry officer. As far as principles of natural justice are concerned, the

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disciplinary authority has served his note of disagreement upon the applicant and has given him opportunity to represent against the same. Applicant has availed of the opportunity by submitting his representation. The same has been duly considered and the disciplinary authority, on appraisal of the evidence adduced, has found the aforesaid allegations proved against him. The disciplinary authority, amongst others, has placed reliance on the evidence of P.W.6 Inspector R.S.Chauhan and D.W.1 Constable Rakesh Kumar as also the DD entries for holding the aforesaid charges proved against him. This is, therefore, not a case of no evidence. Aforesaid findings of the disciplinary authority have been affirmed by the appellate authority. Both the orders of the disciplinary authority as also that of the appellate authority are speaking and well reasoned orders. As far as the measure of penalty is concerned, the same, we find is commensurate with the gravity of the allegations of charge found proved against the applicant. No interference is, therefore, called for in the present proceedings. Present OA, in the circumstances, is dismissed in limine.

  
( V.K. Majotra )  
Member(A)

  
( Ashok Agarwal )  
Chairman