

(10)

Central Administrative Tribunal
Principal Bench

OA No. 2385/2001

New Delhi, this the 11th day of July, 2002

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

Sri Bhagwan
R/o Vill : - Ranhoula
P.S. Nangloi,
Delhi-110041.

..... Applicant

(Shri Anil Singhal, Advocate)

Versus

1. Commissioner of Police
Police Headquarters
I.P.Estate
New Delhi.
2. Addl. Commissioner of Police
(PCR & Commn)
Police Headquarters
I.P.Estate
New Delhi.
3. DCP (PCR)
Police Headquarters
I.P.Estate
New Delhi.

..... Respondents

(Shri Ajay Gupta, Advocate)

ORDER (Oral)

By Hon'ble Shri Kuldip Singh, Member (J)

Applicant Sh. Bhagwan was tried departmentally on the
allegations as under :-

"It is alleged against H.C. Jagbir Singh No.1582/PCR (PIS NO.28810065), Ct. Shri Bhagwan No.2601/PCR (PIS NO.28860764) and H.C. (Drv.) Jai Singh NO. 4150/PCR (PIS NO.29720041) that they were detailed for duty at PCR Van P-70 on the night intervening 19/20.9.1997. Around 23.17 hrs. they received a call from PCR regarding a quarrel at Ravi Hotel, near Goodwill Dharam Kanta, Nangloi and PCR Van P-70 reached the spot. One Surinder Singh S/o Hawa Singh R/o A-110, Vijay Enclave, Nangloi a conductor at Bus No. DL-1P-2983 has received gun shot at the hands of one Dilbagh Singh S/o Sh.Ujjagar Singh R/o Vill. Ismail Pur, Narwana, Jind (Haryana). The PCR van

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staff got admitted the accused Dilbagh Singh in hospital and claimed that they did a commendable work by overpowering accused Dilbagh Singh by seizing the weapon of offence.

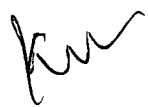
On verification, it was found to be totally false story, in fact accused Dilbagh Singh was beaten severely by the well wishers and colleagues of injured Surinder Singh after the incident of firing. They had snatched mouser from accused Dilbagh Singh after overpowering him and handed over the weapon as well as ACC used to the staff of PCR Van P-70. The PCR Van staff wanted to grab the credit by cooking up false story and thus tried to misguide

He is further alleged that the above PCR staff extorted Rs. 17000/- from the accused Dilbagh Singh leaving Rs. 1950/- and other items with him while removing him to hospital. The accused told these facts to ASI Pratap Singh, IO of PS, Nangloi, Delhi. On this the IO interrogated the staff of PCR van, who refused to have taken any money in the presence of S.I. Kuldeep Singh, Checking Officer (T-22) but when the Checking Officer told them that a case may be registered against them in this regard. Then the PCR staff went out from the hospital and came after 10 minutes. H.C. Jagbir Singh returned Rs. 16000/- saying that they had found money under the seat of PCR van.

On enquiry it was found that the above mentioned PCR staff took away money of accused with malafide intention and kept the same with them to misappropriate and misguiding the senior officers by cooking false story regarding apprehension of accused Dilbagh Singh.

The above act on the part of HC Jagbir Singh No. 1582/PCR, CT. Shri Bhagwan No. 2610/PCR and H.C. (Drv) Jai Singh No. 4150/PCR amounts to grave mis conduct and involvement in corrupt activities which render them to be dealt with departmental under the provisions of Delhi Police (Punishment and Appeal), Rules, 1980."


2. There were two other co-defaulters, who were also tried on the same set of allegations by a common inquiry and the punishment order passed against all the above co-defaulters, was also common, as reflected in Annexure A-4 whereby the pay of Sri Bhagwan (No. 2610/PCR) is reduced by 5 stages from Rs. 3650/- p.m. to Rs. 3275/- p.m. and the pay of HC (Drv.) Jai Singh




(No. 4150/PCR) is reduced by 5 stages from 4800/- p.m. to Rs. 4300/- p.m. in the time scale of pay for a period of 5 years from the date of issuance of this order and the other co-defaulters reduced in rank. The other two co-defaulters filed OA, challenging the aforesaid impugned order. The OA was filed by Head Constable Shri Jasbir Singh and Shri Jai Singh, which was registered as OA 670/2000 and the same was decided on 9th March, 2001 and the matter was remanded back to the respondents to be taken from the stage of supply of documents and examine the matter under Delhi Police (Punishment and Appeal) Rules by affording a reasonable opportunity to the applicants to defend the charges in the enquiry.

3. Since the common enquiry was held against the constables and facts have already been judicially tried vide judgement in OA No. 670/2000, on the same reasons this OA has also to be allowed because this applicant was also ^{jointly in} tried in the departmental proceedings in the same inquiry and the findings written against the listed official was common and punishment was also common. Therefore, the present OA has also to be allowed and the case is to be remanded back to the authorities to proceed with the inquiry from the stage of supply of documents as done in the OA No. 670/2000.

4. Accordingly, we hereby set aside the impugned order and the case of the applicant is remanded back as per the directions given in the OA 670/2000 may also be held in this case also. No costs.


(M.P. Singh)
Member (A)


(Kuldeep Singh)
Member (J)

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