

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2510 of 2001

New Delhi, this the 21st day of September 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. M.P. SINGH, MEMBER (A)

1. Khemendra Pal Singh
Sub Inspector, Delhi Police,
No. D-1043.
2. Lakhan Singh
Sub Inspector, Delhi Police,
No. D-1245.

... Applicants

(By Advocate: Shri P.K. Aggarwal)

V E R S U S

1. Union of India
Through Secretary
Ministry of Home Affairs,
North Block,
New Delhi.
2. Commissioner of Police
Delhi
I.P. Estate, Delhi.
3. Joint Commissioner of Police
New Delhi Range,
Delhi.

... Respondents

ORDER (ORAL)

Justice Ashok Agarwal:

Disciplinary proceedings were initiated against the applicants, who are Sub Inspector in Delhi Police for the following charges:-

"I, M.S. Chhikara, A.C.P./Shahdara, charge you SI. K.P.Singh, No.D-1043 and SI. Lakhan Singh, No.D-1245 that on 9.8.98 while posted at P.S. Seemapuri you illegally brought Harish Kumar and Dinesh Kumar owner of Rasoi restaurant, L-35/A, Dilshad Garden, Delhi to Police Station Seemapuri at about 10.00 P.M.. They were beaten up in the Police Station by you and no entry was made by you in the Roznamcha regarding bringing them to the Police Station. Inpsr. Jai Kishan then SHO/Seemapuri asked you to leave the two brothers Harish Kumar and Dinesh Kumar at their place. However, on the intervention of



the SHO SI. K.P. Singh recorded the D.D. No. 31 A at 10.50 P.M. mentioning in it that both the persons have been set free after interrogation, but they were left only at about 4.00 A.M. in the morning on 10.8.1998 and thus disobeyed the order of SHO and SI. K.P. Singh recorded false entry in the Roznamcha. Thus, you acted in a high handed manner and misused your power of being a Police Officer.

The above act on the part of SI. K.P. Singh, No.D-1043/ and SI. Lakhan Singh, No.D-1245 amounts to gross misconduct, negligence, indisciplined and misuse of official powers which rendered you liable for departmental action under the Delhi Police (Punishment & Appeal) Rules - 1980."

Inquiry officer has conducted the inquiry. By his report of 20.1.1999 on appraisal of evidence produced before him, had found the aforesaid charges proved.

2. Disciplinary authority has accepted, the aforesaid findings of the inquiry officer and by his order of 13.3.1999 (Annexure A-1), has imposed a punishment of forfeiture of 3 years approved service for a period of 3 years permanently entailing proportionate reduction in the pay of the applicants with immediate effect with a direction that they will not earn increments during the period of reduction and after the expiry of this period, the reduction would have the effect of postponing their future increments.

3. Aforesaid order was ^{cancelled} preferred by the applicants in an appeal and the appellate authority by his order of 14.9.1999 has absolved applicants in respect of the first charge of detaining the complainants Harish Kumar and Dinesh Kumar till 4.00 A.M on 10.8.1998 and has found that they had been released on 10.50 P.M. on

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9.8.1998. As far as the later charge of beating the aforesaid complainants is concerned, the same has been held proved. Appellate authority in the circumstances has reduced the penalty to forfeiture of one year approved service temporarily. Aforesaid order of the appellate authority was carried by the applicants to the Commissioner of Police being a revisional authority, who in turn by his order of 13.6.2001, has held that he is no longer possessing the revisionary powers. He has accordingly granted liberty to the applicants to move the court. Applicants have accordingly instituted the present OA.


4. We have heard Shri P.K. Aggarwal appearing in support of the OA. We have also perused the inquiry proceedings and we find that no case is made out for ~~any~~ interference in the present OA.

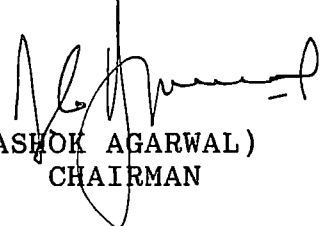
Finding
5. ~~Evidence~~ of guilt in respect of beating of the aforesaid complainants at the hands of the applicants has been concurrently found proved by the inquiry officer, disciplinary authority as also by the appellate authority. Applicants have been given full opportunity at ^{every} ~~the~~ stage of inquiry. We find that principles of natural justice have been duly met. We find, if at all, the impugned orders err on the side of leniency. Beating of citizens at the Police Station at the hands of the police officers, who are expected to be law abiding and law enforcing officers is to be deprecated. The finding of beating by the applicants is based on evidence produced on record. Both the complainants have

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deposed about the beating by the applicants and their evidence has been supported by the medical evidence on record.

6. It is not open to this Tribunal to reappreciate evidence and to give a finding other than the one which had found favour with the disciplinary authority. No interference, therefore, is called for. Present OA, in the circumstances, is devoid of merit and the same is dismissed in limine.


(M.P. SINGH)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

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