

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 3086/2001

This the 27th day of January, 2003

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HON'BLE SH. V.K. MAJOTRA, MEMBER (A)  
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Subhah Chand  
S/o Sri Saudan Singh  
R/o Village Ladpur-Dhampur  
P.S. Chetry  
District Bulandshahr (UP)

Now under suspension  
Constable No.1944  
Second Bn. Delhi Armed Police,  
New Police Lines, Kingsway Camp,  
Delhi-110 049.  
(By Advocate: Sh. P.Sureshan)

..Applicant

Versus

1. Commissioner of Police,  
Police Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi-110 002.
2. Additional Commissioner of Police,  
Delhi Armed Police,  
New Police Lines, Kingsway Camp,  
Delhi-110 049.

(By Advocate: Sh. George Parackin)

...Respondents

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant was proceeded departmentally on the following  
allegations:

"It is alleged that Const Subash Chand No. 6030/DAP  
was detailed for duty from 10 AM to 10 AM in C.P.,  
Reserve. At 5 PM on 2.8.97 he visited DD Writer and  
started abusing him. The DD Writer reported the matter  
to Duty Officer, DAP, Control Room. At about 7.45 AM he  
again came to DO Room, on that time he was under the  
influence of liquor. He tried to make a telephone call,  
but under the influence of Liquor he was not able to  
handle the receiver. On seeing his position Duty Officer  
and other staff who was on duty asked him to go out from  
D.O. room. On this he started abusing D.O. and other  
staff and misbehaved with them. He also snatched the  
Daily Diary from Ct. Chand Singh and torn 2 pages from  
it. He manhandled with Const. Chand Singh, 518/DAP when  
he obstructed him from doing so. Later he was over  
powered by the staff and sent for medical examination  
under the supervision of SI Balwant Singh and 3 other  
const. to Hindu Rao Hospital. He was medically examined  
vide MLC No. 2147/97 dated 2.8.97. The doctor opined

*[Handwritten signature]*

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that Const. has consumed alcohol and is under its effect. Thus the Const. Subash Chand, 6030/DAP consumed the liquor while on duty, abused and misbehaved with Duty Officer and other staff. he also snatched the Daily Diary and torn two pages under the influence of liquor.

Above act on the part of Ct. Subash Chand No. 6030/DAP amounts to gross misconduct, negligence and unbecoming of a Police Officer which renders him liable to be dealt with D.E.

Const. Subash Chand No. 6030/DAP is hereby placed under suspension with immediate effect for the above said lapse.

During the first three months of his suspension, he will draw subsistence allowance at an amount equal to the leave salary which he would have drawn had he been on leave on half average pay and dearness allowance based on such leave salary.

He will draw other allowances as usual which he was drawing on the date of his suspension. If the suspension period exceeds beyond 3 months the grant of subsistence allowance will be reviewed under FR-53.

He will deposit his uniform articles in the clothing store and also deposit his identity card in Genl. Branch. 1st Bn. DAP forthwith. During suspension period his Head quarters will be Police Complex N.P.L., Delhi and he will not leave the Hqrs. without prior permission of the undersigned.

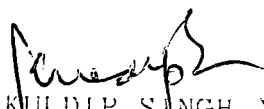
It is further ordered that a regular DE and Ct. Subash Chand, 6030/DAP be conducted by Sh. M. Singh Sangha E.O. under the provision of Delhi Police (Punishment and Appeal) Rules, 1980 on day to day basis after observing all usual formalities. The E.O. will submit his findings to be undersigned within 3 months from service of summary of allegation. The E.O. will submit a weekly progress report of the DE through HAP/1st Bn. DAP on every Monday'.

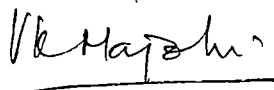
2. On this the regular enquiry was held. Applicant was awarded punishment of dismissal from service. However, on revision the Resp. No.1, Commissioner of Police modified the order of dismissal to forfeiture of five years approved service permanently and proportionate reduction in his pay. While assailing these orders, the applicant submitted that the allegations as alleged against the applicant are only a concocted story and have not been proved properly and there is no evidence to promote the same. It is further submitted that

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applicant had not conducted any type of misconduct nor had he accepted to do such type of misconduct, therefore, the impugned order should be set aside.

3. We have heard the learned counsel for the parties and gone through the record, particularly the findings which are at page 65-81 of the paper book. On going through the findings, we find that there is a statement of witnesses who prove that the applicant had conducted himself in such a manner which amounted to misconduct as per Police Rules, since he appeared in the duty room under the influence of liquor and had also torn the DD register itself. Statement of PW-7 Dr. Rita Gupta also proves that when the applicant was produced before Medical Examination she recorded a MLC and had also recorded that the person has consumed alcohol and was under its influence. Thus, there is no doubt that applicant has misconducted and has also misbehaved with the staff under the influence of liquor, so on facts this Tribunal is not to re-appropriate the evidence and there is sufficient evidence on record to show that applicant has misconducted himself. However, with regard to the plea as raised in the t, plea taken by the applicant is that the reading of allegation itself show that cork and bull story which has been concocted against him by the staff therein, there is nothing to show that the staff who posted there were not in any way enimical towards him. There is no other ground taken by the applicant. We also point out that the enquiry has been held in accordance with the Delhi Police Rules and no interference is called for by this Tribunal. So OA is without merits and is accordingly dismissed.

  
( KULDIP SINGH )  
Member (J)

  
( V.K. MAJOTRA )  
Member (A)