

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 711/2001

New Delhi this the 21st day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

Ex Constable Vijay Singh
No.759/NW S/O Saroop Singh,
R/O Village & Post Office
Harsana Kalan (Malcha),
Distt. Sonapat,
Haryana.

... Applicant

(By Shri Avrind Singh, Advocate)

-versus-

1. Administrator/National Capital Territory of Delhi through its Chief Secretary through Commissioner of Police/Delhi, Police Headquarters, I.P.Estate, New Delhi.
2. Joint Commissioner of Police/ Northern Range, Police Hqrs., I.P.Estate, New Delhi.
3. Additional Deputy Commissioner of Police/North West District, 1st Floor, Police Station, Ashok Vihar, Delhi.
4. Enquiry Officer through Addl. Deputy Commissioner of Police/ North West District, 1st Floor, Police Station, Ashok Vihar, Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

In disciplinary proceedings conducted against applicant who was a Constable in Delhi Police, an order of penalty of removal from service has been imposed upon him by the disciplinary authority by its order of 10.1.1999 at Annexure-C. Aforesaid order has been maintained by the appellate authority by its order dated 29.12.2000 at Annexure-D. Aforesaid

De. J.

orders of penalty have been imposed on the ground of misconduct relating to unauthorised absence.

2. Aforesaid disciplinary proceedings have been conducted ex parte as despite efforts applicant could not be served. Notices issued at his last known address were forwarded to his parents who had feigned ignorance about his whereabouts. In the circumstances, no exception can be had to the proceedings having been conducted ex parte. Aforesaid absence according to applicant was occasioned on account of his being unwell. He was suffering from a psychiatric disorder. Aforesaid plea was not raised before the disciplinary authority as the report of the enquiry officer also could not be served on applicant. On the same ground having been taken before the appellaate authority, the same has not found fvour with him.

3. Having regard to the aforstated facts and circumstances, we find that no exception can be had to the orders impugned in the present OA.

4. Present OA, in the circumstances, is summarily rejected.

(Govindan S. Tampi)
Member (A)

(Ashok Agarwal)
Chairman