

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BRANCH

OA 1873/1999  
New Delhi, this the 15th December 2000

Thag Prasad, S/O Shri Sarju Prasad  
R/o Vill. Gopalgarh,  
PO: Kasya, Distt. Devariaha,  
Uttar Pradesh

.....Applicant  
(By Sh S K Gupta, Advocate for Applicant)

Vs

Govt. of NCT of Delhi;  
Through Chief secretary,  
5, Sham Nath Marg, Delhi.

Secretary,  
Ministry of Home Affairs, North Block  
New Delhi.

Jt. Commissioner of Police (OPs)  
Police HQrs.  
IP Estate, New Delhi

F.R.R.O  
Hans Bhawan,  
IP Estate,  
New Delhi

A.F.R.R.O (Sh. H S Khinchi)  
Enquiry Officer,  
Hans Bhawan, IP Estate, New Delhi

(By Sh. George Parvika <sup>Respondents.</sup> Advocate for Respondents)  
O R D E R (ORAL)

Justice Mr. V. Rajagopala Reddy, VC(J)

Heard counsel for applicant and respondents.

While the applicant was working as Head Constable he was entrusted with the duties of escorting Nigerian Nationals to the Sewa sadan before the said person was deported but instead, the applicant <sup>had</sup> taken them to <sup>an</sup> other place of ill repute and then applicant had consumed alcohol and he was also responsible for causing an accident in which 3 persons died. On this allegation, an enquiry was held and he was removed from service by the disciplinary authority vide order

dated 15.4.99 which has been affirmed by the  
appellate authority vide order 29.7.99. This order  
is impugned order in this OA.

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2. Learned counsel for applicant contends  
that the enquiry officer had put leading questions  
before the applicant which has vitiated the entire  
proceedings. We do not agree. We have perused the  
Enquiry Officers report and the evidence of the  
concerned witness DW-1 to whom it was alleged that  
leading questions were <sup>put</sup> ~~not~~ by the Enquiry Officer.  
We find he has only sought certain clarifications  
from DW-1 who had issued a slip to the applicant  
prescribing 2 medicines which contained 95% alcohol.  
We do not find that any cross examination <sup>was</sup> ~~was~~ sought to  
be made by the Enquiry Officer. We do not therefore  
accept contention of the learned counsel. The  
learned counsel relies upon Ramesh Chand Vs  
Commissioner of Police Civil Appeal 3644 of 1999 to  
contend that the punishment awarded was harsh. While  
considering the facts of that case, on the ground that  
applicant had put in 28 years of service before he  
was removed from service the <sup>Court</sup> ~~Court~~ considered it fit  
and proper to substitute the punishment <sup>to one</sup> ~~of~~ of compulsory  
retirement. But in view of the facts and  
circumstances in this case it is not possible for us  
to interfere with the punishment. OA is accordingly  
Dismissed.

(Govindan S Tampi)  
Member (A)

(V. Rajagopala Reddy)  
VC(J)

Patwal/