

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BRANCH

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

(6)

Thag Prasad, S/O Shri Sarju Prasad  
R/o Vill. Gopalgarh,  
PO: Kasya, Distt. Devaria,  
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 Khinchhi)  
Enquiry Officer,  
Hans Bhawan, IP Estate, New Delhi

(By Sh. George Parikh, Advocate for Respondents)  
O R D E R (ORAL)

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

Heard counsel for applicant and respondents.

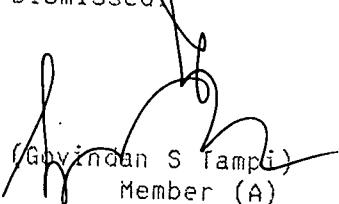
While the applicant was working as Head Constable he was entrusted with the duties of escorting Nigerian Nationals to the Sewa sadan before the said person ~~was~~ <sup>had</sup> deported but instead, the applicant <sup>had</sup> taken them to another place of ill repute and then applicant had consumed 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

(V.R)

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.

(X)

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 Officer's report and the evidence of the concerned witness DW-1 to whom it was alleged that leading questions were <sup>put</sup> ~~put~~ 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> ~~count~~ considered it fit and proper to substitute the punishment <sup>to one</sup> ~~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 Tampli  
Member (A)

  
V. Rajagopala Reddy  
VC (J)

Patwal/