

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.2630/1999

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New Delhi this the 12th day of July, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M.P.SINGH, MEMBER (A)

Ex.Constable Vinod Kumar No.1812/PCR  
S/o Shri Brahmjeet Singh  
R/o Village & P.O.Jawali, Mohall-Chaprana  
District Ghaziabad  
Uttar Pradesh.

... Applicant

( None)

-versus-

1. Union of India  
Through its Secretary  
Ministry of Home Affairs  
North Block, New Delhi.
2. Addl. Commissioner of Police  
P.C.R. & Comm  
Police Head Quarters, I.P.Estate  
M.S.O. Building, New Delhi.
3. The Addl. Dy.Commissioner of Police  
Police Control Room  
Sarai Rohilla  
Delhi.

... Respondents

(Shri Ashwani Bhardwaj, proxy for  
Shri Rajan Sharma, counsel)

O R D E R (ORAL)

Shri M.P.Singh:-

Applicant by filing this OA under Section 19 of the Administrative Tribunals Act, 1985 has challenged the order dated 22.12.1995 whereby preliminary enquiry was held; order dated 16.11.1998 whereby supplementary enquiry was ordered; order dated 15.1.1999 which are the findings of the enquiry officer; order dated 20.5.1999 passed by respondent No.3 whereby the applicant was dismissed from service and order dated 28.10.1999 passed by respondent No.2



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whereby the appeal preferred by the applicant was rejected.

2. The brief facts of the case are that the applicant was working as a Constable in Delhi Police. A departmental enquiry was instituted against him for the gross misconduct, corruption, taking illegal gratification and unbecoming of a police officer in that the applicant while posted in 'E' Block, Security Lines got Rs.20,000/- as illegal gratification in the year 1993 and Rs.5,000/- in the year 1994 from the brother-in-law of SI Ram Dhan namely Surender Singh for getting him appointment in MCD as a teacher. One Shri Kacheru Sharma R/o Naraina, Ghaziabad, U.P. has also complained against him mentioning therein that while posted in 'E' Block, Security Lines, applicant got Rs.20,000/- as illegal gratification in the year 1994 from him for getting appointment of his son as Constable in Delhi Police.

3. In the departmental enquiry, an enquiry officer was appointed. He completed the enquiry and submitted his findings concluding therein that he has taken into consideration the statement of Shri Khacheru Sharma and the allegation of giving Rs.20,000/- to the applicant is substantiated. In the meanwhile, the applicant was transferred and the departmental enquiry file was sent to his present disciplinary authority by DCP/VIII Bn. DAP for final decision. A copy of the findings of the enquiry officer was served upon the applicant for making his



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representation. The applicant submitted his representation on 11.7.1997. After considering the representation of the applicant, the departmental enquiry was held in abeyance by an order passed on 18.8.1997 till the final verdict of the court in the criminal case FIR No.99/96 under Section 420 IPC against the applicant. The departmental enquiry was reopened by an order dated 23.7.1998 in view of the instructions received by Memorandum dated 28.5.1998. The applicant was also heard in O.R. by the disciplinary authority on 30.9.1998 and it was found that there was force in the submissions made by him that he did not cross examine the PWs with a view not to disclose his defence in the criminal case as position of rule was different when PWs were examined. Keeping in view the facts and circumstances of the case, the supplementary departmental enquiry under Rule 16(x) of the Delhi Police (Punishment & Appeal) Rules, 1980 was ordered by an order dated 16.11.1998. The supplementary departmental enquiry had concluded and the charges were proved. Tentatively agreeing with the findings of the enquiry officer, a copy of the findings of the supplementary departmental enquiry was served upon the applicant on 8.2.1999 seeking his representation. The applicant submitted his representation on 18.2.1999. The applicant was again called and heard in O.R. on 17.5.1999. In his O.R. he pleaded nothing new than what he had already submitted through his representation. The disciplinary authority after taking into consideration the representation of the applicant and other material



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available on record, imposed a penalty of dismissal from service upon the applicant. He filed an appeal against the order of the disciplinary authority. The appellate authority vide its order dated 28.10.1999 rejected the same.

4. None present for and on behalf of the applicant. We have heard Shri Ashwani Bhardwaj, proxy for Shri Rajan Sharma, counsel for the respondents. We proceed to dispose of the OA on merits in view of the provisions of Rule 16 of the Central Administrative Tribunal (Procedure) Rules, 1987 in the absence of the applicant and his counsel.

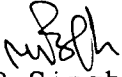
5. From the records placed before us, we find that the enquiry has been held in accordance with the prescribed procedure. The applicant was given an opportunity of hearing. It is a settled law that the Tribunal cannot re-appreciate the evidence and also cannot go into the quantum of punishment unless it shocks the conscience of the court. In this case, we find that the charges levelled against the applicant are grave in nature as he has been involved in a case of corruption. Therefore, the punishment awarded by the disciplinary authority is justified.

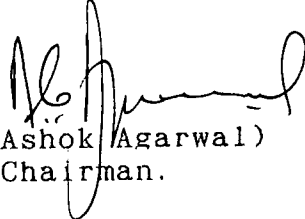
6. In view of the aforesaid discussion, we do not find any ground to interfere with the order of the disciplinary authority. Present OA in the circumstances we find is devoid of merit and the same



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is dismissed. No costs.

  
(M.P. Singh)  
Member (A)

  
(Ashok Agarwal)  
Chairman.

/sns/