

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 259/1999

New Delhi this the 27th day of November, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Sub-Inspector Anand Parkash No.D-1691
S/o Shri Jai Singh
R/O 1449/17, Gali No.18, Durga Puri
Shahadra, Delhi.

... Applicant

(Shri Sachin Chauhan, proxy for
Shri Shanker Raju, Advocate)

-versus-

1. Union of India through
its Secretary
Ministry of Home Affairs
North Block, New Delhi.
2. Addl.Commissioner of Police
Northern Range
Police Head Quarters, I.P.Estate
M.S.O. Building, New Delhi.
3. Addl.Commissioner of Police
North District
Civil Lines
Delhi.

... Respondents

(By Advocate Shri Rajinder Pandita)

O R D E R (ORAL)

Shri S.A.T.Rizvi:-

The applicant, a Sub-Inspector, has been charged
in these disciplinary proceedings in the following
terms:-

" I Ashok Sikka ACP/CL, charge you,
SI.Anand Parkash No.D-1691, in that while you
were on duty as emergency officer on 4.3.96,
an enquiry vide D.D.No.2-B, was marked to you
for action, you instead of taking action,
minimised the incidence and made compromise
vide D.D.No.3-A, dt.4.3.96, after getting
signature of Smt.Hemlata W/o Sh.Suresh Kumar
R/o A-43, shastri Nagar Delhi by pressurising
her, whereas the injury marks were present on
her body. You did not send her for medical
examination and no cas was registered against
Suresh and other members of the family.
Moreover none was called from parents house
of Smt.Hem Lata on her repeated requests to

you. After the intervention of DCP/North Distt. She was got medically examined on 7.3.96, by the staff of C.A.W/Cell Sarai Rohilla and later a case FIR No.173/96, dated 30.4.96, P.S.Sarai Rohilla U/S 406/498 (A)-IPC, was registered. 8

The above act on your part amounts to gross misconduct, negligence, carelessness in the discharge of your official duties and is an act of un-becoming of a Govt. Servant and you are thus liable to be dealt with departmentally under the provision (Punishment and Appeal) Rules of Delhi Police Act-1980."

The departmental proceedings were undertaken in the usual manner by appointing an enquiry officer and by giving reasonable opportunity to the applicant to state his case. The proceedings have been completed in the prescribed manner. The punishment inflicted by the disciplinary authority is reduction by five stages from Rs.6725/- to Rs.5850/- P.M. in time scale of pay for a period of five years. These orders are dated 30.12.1997. Aforesaid order has been carried in appeal. The appellate authority found the punishment too harsh and has reduced the same to three stages of reduction from Rs.6725/- to Rs.6200/- P.M. in time scale of pay for a period of three years laying down further that the applicant will not earn increments of pay during the period of reduction and on the expiry of this period, the reduction will have the effect of postponing his future increments of pay.

2. The charge against the applicant, in brief, is that when the complainant Smt. Hem Lata contacted the police for assistance on the ground of cruelty meted out to her by her husband and in laws, he refused to register a case notwithstanding the

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importance of the allegation and instead forced a compromise on the complainant. The charge is also that he did not send the complainant lady for medical examination. Nor did he inform the parents of the complainant lady. 9

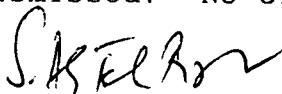
3. A perusal of the statements of witnesses including the complainant lady herself and her father clearly and unmistakably show that the applicant was not willing to proceed in accordance with the procedure laid down. He chose not to register the case which was his bounden duty. He also did not inform the parents of the complainant lady. Later, the complainant lady and her father had to approach the C.A.W Cell for assistance. Even for this, the DCP North had to intervene. However, at the intervention of the said DCP and at the instance of C.A.W.Cell, a case was registered under Section 406/498-(A) IPC and the complainant lady was also medically examined. The medical examination shows injuries on the body of the complainant lady. In her examination, the Doctor PW-5 deposed that she had prepared the MLC of the complainant lady on 7.3.1996 mentioning injuries as shown in the medical certificate. She also stated that the injuries were fresh in nature. The learned counsel for the applicant has tried to make capital out of her deposition stating that the injuries were fresh in nature. We find that, in the medical certificate, no indication has been given about the age of the injuries and so when her turn to depose came, the Doctor had to rely on her memory and that seems to be the reason why she mentioned the injuries

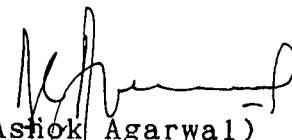
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as fresh in her deposition. This line of argument will not assist the applicant in any manner as the document, namely the medical certificate itself has not indicated the age of the injuries.

4. The entire evidence recorded by the enquiry officer in this case is consistent in so far as the lapses on the part of the applicant are concerned. We cannot find any problems with the report of the enquiry officer and the conclusion reached by the said officer as also the disciplinary authority. The appellate authority has also agreed with the finding of guilt. However, he has reduced the scale of punishment on the ground that the punishment in his view was harsh. In our view, the action taken during the course of these proceedings right upto the stage of the appellate authority is just and proper and there is no need to interfere with these orders.

5. In the result, the OA fails and is dismissed. No order as to costs.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

sns