

Central Administrative Tribunal
Principal Bench

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O.A. No. 2735 of 1999

New Delhi, dated this the 21st AUGUST, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Const. Raj Kumar,
S/o Shri Sri Chand,
R/o 574, I Block,
Shakerpur, Delhi-110034.

.. Applicant

(By Advocate: Shri S.K.Gupta)

Versus

1. Govt. of NCT of Delhi
through the Chief Secretary,
5, Sham Nath Marg, Delhi.
 2. Addl. Commissioner of Police,
(PCR & Communication),
Police Headquarters,
I.P. Estate,
New Delhi.
 3. Addl. Dy. Commissioner of Police,
Police Control Room,
New Delhi.
 4. Shri Amin Singh Tyagi,
Inspector (M.T./PCR),
Enquiry Officer,
C/o Dy. Commissioner of Police,
Police Control Room,
New Delhi.
- .. Respondents

(Dept. Repr. Shri Chattar Pal,
Head Constable appeared)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns the enquiry report dated 12.2.99 (Annexure A-1), the disciplinary authority's order dated 26.3.99 (Annexure A-2) and the appellate authority's order dated 12.10.99 (Annexure A-3).

2. Applicant along with Head Const. Rajinder Singh and Hd. Const. Ishaq Mohammed were

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proceeded against departmentally jointly on the allegation that on the night of 11/12.8.98 while deputed on PCR Van Z-82, they were found to have caused serious damage to the van while chasing a truck for good two hours for extraneous reasons, and their version that their van was hit by the truck was suspicious.

3. The E.O. in his findings dated 12.2.99 after noting that applicant was the driver of the van, and the other two delinquents abetted the chase, held the charge against all three as proved.

4. A copy of the E.O's findings was furnished to each of the delinquents for representation. They submitted their representation, upon consideration of which and after giving them a personal hearing, the disciplinary authority issued impugned order dated 26.3.99 imposing a penalty on each of them. Their appeals were rejected by order dated 12.10.99.

5. Head Const. Rajinder Singh and Head Cont. Ishaq Mohammed challenged the disciplinary authority's aforesaid order dated 26.3.99 and the appellate authority's aforesaid order dated 12.10.99 in O.A. No. 60/2000, which was dismissed on merits after hearing by order dated 29.5.2001 (copy taken on

record).

6. In our view the reasons which impelled the Tribunal to dismiss O.A. No. 60/2000 are equally applicable in the present case and no cogent grounds have been placed before us to warrant our taking a different view. We note that while HC Rajinder Singh and HC Ishaq Mohammed had abetted the chase, it was actually applicant who was driving the vehicle when the incident took place, and his culpability is, therefore, even greater.

7. The O.A. is dismissed. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

karthik