

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
New Delhi

O.A. No.530/1999

New Delhi, this 29th day of the November, 2000

Hon'ble Mr. Justice Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mr. Govindan S. Tampi Member (A)

Shri Vijender Singh S/o Shri Ranveer Singh
(SI No. D/3258) C/o Shri Jitender Singh,
243, Police Colony, Ashok Vihar, Delhi. ... Applicant

(By Advocate: Shri B.S. Charya)

Versus

1. The Commissioner of Police
Police Headquarters, MSO Building,
I.P. Estate, New Delhi.
2. The Deputy Commissioner of Police
North East District, Seelampur,
Delhi.
3. Union of India,
Ministry of Home Affairs,
Government of India, New Delhi. ... Respondents

(By Advocate: Shri Ajay Gupta)

ORDER (oral)

Justice V. Rajagopala Raddy:

When the applicant was working as Sub-Inspector, a memo dated 13.3.1996 containing summary of allegations has been served, alleging that he did not preserve the sample of blood of an accused person, as was directed, in rape case, so as to get the same matched with the vaginal swab of the prosecutrix in the departmental enquiry, he was found guilty of the charge and the disciplinary authority agreeing with the findings of the Enquiry Officer, imposed the punishment of withholding the next increment for a period of one year temporarily by the impugned order dated 27.2.1997 which

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has been affirmed by the appellate as well as by the revisional authorities. Hence, he brought the OA, before the Tribunal.

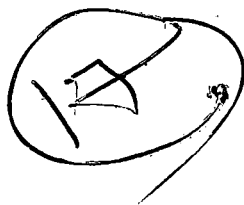
2. Learned counsel for the applicant Shri B.S. Charya states that there is no evidence in the case in the support of the charge and the Enquiry Officer did not conform to the Rules of enquiry.

3. Learned counsel for the respondents Shri Ajay Gupta, however, submits that in view of the delay that was deliberately caused by the applicant, the investigation in a serious case of rape suffered and as the Enquiry Officer after examining several witnesses of the prosecution found that the charge was proved, there is no warrant to interfere with the impugned orders.

4. We have given a careful consideration to the contentions raised in this case.

5. We have also perused the Enquiry Officer's report and the evidence that was recorded by the Enquiry Officer. We do not find any infirmity in the enquiry conducted, it was in accordance with the rules. No infirmity or lacuna is brought to our notice. The Enquiry Officer, assessing the evidence of the witnesses, found prosecution as well as the defence, that the applicant did not get preserved the blood sample of the accused at the time of the medical





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examination and we see no reason to interfere with the said finding. Since the findings have been established on the basis of evidence on record, it is not possible for us to interfere with the impugned order.

6. We do not find any merit in the impugned order. The GA is accordingly dismissed. No costs.

(Govindan S. Tampi)
Member(A).

(V. Rajagopala Reddy)
(Vice-Chairman(J))

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