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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 627/1998

New Delhi this the 24th day of August, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Murari Lal,
Ex.A.S.I.
1267/D,
R/O Village & P.O. Dayalpur,
P.S. Vallabh Garh,
Distt. Faridabad (Haryana)

.. Applicant

(None for the applicant)

Versus

1. Lt. Governor of Delhi, through its
Secretary, Raj Niwas, Delhi.
2. Commissioner of Police,
Police H.Q. I.P. Estate,
New Delhi.
3. Sr. Addl. Commissioner of Police
(Operation), Delhi, PHQ IP Estate,
New Delhi.
4. Dy. Commissioner of Police,
Police Control Room, Delhi.
5. Sh. K. R. Verma, E.O.
Asstt. Commissioner of Police,
Delhi PHQ I.P. Estate, New Delhi.

.. Respondents

(By Advocate Sh. Rajan Sharma, learned
counsel through proxy counsel Sh.
Ashwini Bhardwaj,)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicant has challenged the validity of the order passed by the appellate authority dated 26.11.1997 dismissing his appeal which he had filed against the dismissal order passed by the disciplinary authority dated 20.3.1997.

2. As none has appeared for the applicant, we have

perused the pleadings and heard Sh. Ashwini Bhardwaj,

learned proxy counsel for the respondents

3. The brief relevant facts of the case are that the applicant was proceeded ^{against} by the respondents under the provisions of Delhi Police Act, 1978, read with the Delhi Police (Punishment and Appeal) Rules, 1980. The allegation levelled against the applicant was that on 10.12.1994, while he was posted at BP Sunlight Colony and investigating case FIR No. 737/94 U/S 279/337 IPC he had demanded and accepted Rs.3700/- as bribe from one Shri Narender Singh for releasing the driver of the tractor on bail and giving the tractor and trolly on superdari. It was also alleged that the applicant had misbehaved with the complainant and his friends Harpal Singh and Sunil Kumar. They have also stated that the applicant got prepared the superdari papers of tractor and trolly in the name of ^{the} previous owner Raghu Nath Prasad Sharma, and got signed by the complainant which shows his mala fide intention and confirms the demand and acceptance of Rs.3700/- ^{which} amounts to gross misconduct, lack of integrity and unbecoming of a Police Officer.

4. On the above allegations, the departmental enquiry was held against the applicant. On perusal of the documents on record, we are satisfied that the applicant had been afforded ^a reasonable opportunity to put forward his case. A number of prosecution witnesses and documents have been examined in the departmental enquiry proceedings. The Enquiry Officer after assessment of the records and evidence came to the conclusion that the charge against the applicant stood proved. The disciplinary authority has agreed with the findings of the Inquiry Officer's report

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and copy of the same had also been given to the applicant on 31.8.1996. The disciplinary authority has recorded in his order that the applicant had submitted his representation against the Inquiry Officer's report, pleading that the charge held against him is without sufficient evidence on record. The disciplinary authority had also heard the applicant in Orderly Room on 14.3.97. After perusal of the relevant documents, the disciplinary authority has held that the charge against the applicant, namely, that he had demanded and accepted illegal gratification from the complainant, got released tractor and trolley on superdari to ^a wrong person, Shri Narender Singh, in lieu of illegal gratification accepting from Shri Narender Singh, and had also consumed liquor on duty in the premises of P.O. Sunlight Colony is fully proved. He had also recorded that the applicant had not maintained the record of call and misbehaved with the complainant party. Accordingly he had passed the order of dismissal by order dated 20.3.1997.

5. One of the main grounds taken by the applicant in the OA is that the allegation of corruption levelled against him was not substantiated ^{and B.} there were innumerable contradictions in narrating the quantum of amount alleged to have been taken for release of the driver and tractor and for purchase of wine for which the departmental proceedings were held. According to the applicant, the contradictions ^{per-}taining to the quantum of money given as bribe etc. cannot.

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be ignored. He has pointed out that the allegations against him were concocted due to the reasons best known to the complainant, for example, that at one place the complainant has stated that he had given Rs. 4000/- and on the other hand, it was mentioned as Rs. 3700/-for releasing the driver and tractor and similarly some time it was stated as Rs.500/- some time Rs.200/- and Rs.250/300/-for the wine party. Based on these alleged contradictions, the applicant has stated that the punishment awarded by the respondents is arbitrary and illegal and , therefore, the same is liable to be quashed. He has also stated that the complainant has told a lie and in any case he could not know that the complainant was not the actual owner of the tractor. He has contended that as PW 4, the complainant, had not put up the papers/documents of the tractor to the applicant, how could the applicant judge that he was not the actual owner and, therefore, the entire story was concocted, flimsy and disbelievable. These averments of the applicant have been controverted by the respondents.

6. From the documents on record and even from the arguments of the applicant himself, it cannot be stated that this is a case of no evidence. It is further noticed that the respondents have conducted the disciplinary enquiry against the applicant in accordance with the relevant Rules and law and have given the applicant sufficient opportunity to put forward his case. It is also noted that the applicant has

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not alleged that the respondents have violated the Rules or the principles of natural justice. In the OA the applicant has prayed for quashing of the appellate authority's order dated 26.11.1997. The contention of the applicant that the departmental enquiry was proceeded against him on a concocted story is also rejected in view of the facts of the case. It is settled law that the Tribunal/Court ought not to interfere unless the proceedings held or punishment awarded are arbitrary or perverse (See the judgements of the Supreme Court in UOI Vs. Parmananda (AIR 1989 SC 1189), Managing Director, ECIL Vs. Karunakar (JT 1993(6) SC 1) and Govt.of Tamil Nadu Vs. A.Raja Pandian (AIR 1995 SC 461). Taking into account the nature of the allegations against the applicant which is one of corruption, it is not possible to say that the punishment of dismissal imposed by the respondents against the applicant is excessive and perverse to justify any interference in the matter. The allegations of discrepancy in the actual amount demanded by the applicant or taken by him for releasing the driver and the tractor as well as for purchase of wine, etc which has been stressed by the applicant in the OA are not of such a nature so as to absolve him of the charges levelled against him to justify quashing the punishment orders, nor do they show that the allegations of corruption have not been proved against the applicant. As mentioned above, the applicant has not alleged that the respondents have violated the relevant Rules or the principles of natural justice in

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conducting the departmental proceedings against him and there is no infirmity on these grounds. Therefore, in the facts and circumstances of the case, we find no merit in this OA.

7. In the result for the reasons given above, OA fails and is dismissed. No costs.

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

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

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