

(13)
Central Administrative Tribunal
Principal Bench

O.A. No. 1373 of 1995

New Delhi, dated this the 29 May, 2000

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. Kuldip Singh, Member (J)

1. Hd. Const. Tej Singh, Driver,
S/o Shri Dhaffa Ram,
R/o IV BN., M.T., New Police Lines,
Kingsway Camp Posted in PCR,
Delhi.
2. Const. Hari Niwas,
S/o Shri Sukh Ram,
R/o Makan No. 592, Gaon Bawana,
Delhi-110039. Applicants

(By Advocate: Shri Shankar Raju)

Versus

1. Union of India through
the Secretary,
Ministry of Home Affairs,
South Block,
New Delhi.
2. Addl. Commissioner of Police (AP&T),
Police Headquarters,
MSO Building,
I.P. Estate,
New Delhi.
3. Dy. Commissioner of Police,
IVth Bn., D.A.P.,
Delhi. Respondents

(By Advocate: Shri Amit Rathi proxy
counsel for Shri Devesh Singh)

ORDER

MR. S.R. ADIGE, VC(A)

Applicant impugns the disciplinary authority's order dated 11.11.93 (Annexure P-II) and the appellate authority's order dated 10.8.94 (Annexure P-I).

2. Applicant was proceeded against departmentally jointly along with Head Constable (Driver) Tej Singh on the allegation that while

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posted in 4th Battallion, Delhi Armed Police they took away a Government truck unauthorisedly at about 0020 hours on the night of 9/10.1.93 on the pretext of taking the force on law and order duty. They were under the influence of liquor. They returned at about 0050 hours and parked the vehicle at M.T. Complex in a damaged condition.

3. The I.O. in his findings held the charge against both the drivers of having taken away the Government vehicle unauthorisedly and returning it in a damaged condition as proved beyond doubt.

4. A copy of the I.O's findings were furnished to applicant for representation, if any.

5. Applicant submitted his representation and upon consideration of the same along with other materials on record, the disciplinary authority agreed with the I.Os findings, ^{and} by impugned order dated 11.11.93 imposed a penalty of forfeiture of two years approved service permanently for a period of two years entailing proportionate reduction in pay w.e.f the date of issue of the order with the further condition that they would not earn increments during the period of reduction and on expiry of this period the reduction would postpone future increments.

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6. Applicants had been suspended from 12.1.93 to 8.4.93 and it was also ordered that the suspension period would not be treated as spent on duty.

7. Applicant's appeal was rejected by impugned order dated 10.8.99.

8. We have heard both sides.

9. The grounds taken in Para 5 of the O.A. mainly relate to reappreciation of evidence, which is beyond the scope of the writ jurisdiction of the Tribunal. It is not a case of no evidence.

10. No infirmity in the conduct of the proceedings which prejudiced applicant in his defence has been pointed out. The proceedings were conducted as per prescribed procedure, and applicant was given full opportunity to defend himself. Considering the gravity of the misconduct, the penalty also cannot be said to be excessive.

11. The O.A., therefore, warrants no interference. It is dismissed. No costs.

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(Kuldip Singh)
Member (J)

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