

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH. (5)

O.A. NO. 1501/1995

New Delhi this the 18th day of August, 1999.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

ASI Rajbir Singh,
Police Station Kotwali,
North East District,
New Delhi.

... Applicant

(By Shri B. S. Oberoi, Advocate)

-Versus-

1. Govt. of N.C.T. of Delhi
through Commissioner of Police,
Police Headquarters,
I.P.Estate, New Delhi.

2. Addl. Commissioner of Police
(AP&T), Police Headquarters,
I.P.Estate, New Delhi.

3. Dy. Commissioner of Police,
1st Bn., DAT, New Police Lines,
Kingsway Camp,
Delhi.

... Respondents

(By Shri S. K. Gupta for Shri Amresh Mathur, Adv.)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

By this O.A. the applicant has made a prayer for quashing the order of punishment of forfeiture of one year's approved service for a period of one year passed by the disciplinary authority and affirmed in appeal by the appellate authority.

2. Briefly stated, while posted as ASI at P.P. Anaz Mandi, P.S. Vivek Vihar, Delhi, the applicant was chargesheeted for having not properly investigated the complaint lodged by one Smt. Madhu about the abduction and murder of her husband. The enquiry officer found that the applicant was not guilty of the

Jon

6

alleged charge of not investigating into the complaint lodged by Smt. Madhu, but found him partly guilty for not registering the offence. Accepting the enquiry report, the disciplinary authority imposed the aforesaid penalty on the applicant which was affirmed in appeal by the appellate authority. Being aggrieved, the applicant has filed this O.A. for the said relief.

3. After hearing the learned counsel for parties and perusing the record, we find substance in the contention that there was no mention of the fact in the summary of allegation or no charge to the effect that the applicant had failed to register the offence on the basis of the complaint lodged by Smt. Madhu. Therefore, he could not be punished on the basis of the finding recorded by the enquiry officer of a charge not before it. Accordingly the order of punishment passed by the disciplinary authority and affirmed in appeal by the appellate authority deserve to be quashed.

4. In the result, this O.A. succeeds and it is hereby allowed. The impugned orders of the disciplinary authority and the appellate authority are quashed. The applicant shall be entitled to consequential reliefs. No costs.

Km
(K. M. Agarwal)
Chairman

R. K. Ahooja
(R. K. Ahooja)
Member (A)

/as/