

Central Administrative Tribunal:Principal Bench

OA No. 1912/95

New Delhi, this the 18th day of July, 1996

Hon'ble Mr. Justice A.P.Ravani, Chairman  
Hon'ble Mr. R.K.Ahooja, Member (A)

Shri Harish Chandra Yati,  
s/o Shri Surya Bali Yati,  
C-13,P.S.Paharganj, New Delhi. .. Applicant  
(By Shri K.B.S.Rajan, Advocate)

Versus

1. The Commissioner of Police,  
Police Headquarters,  
M.S.O. Building,  
I.P.Estate, New Delhi.  
(By Shri Girish Katpalia, Advocate)

ORDER (Oral)  
By Hon'ble Mr. Justice A.P.Ravani, Chairman.

The applicant challenges the legality and validity of Order dated September 29, 1985 by which he was informed that due to his indifferent record of service, the DPC did not find him suitable for admission of his name in the promotion list 'F'. According to the applicant, the punishment of censure imposed upon him vide order dated 9.8.1991 could not have been taken into consideration after a period of six months or at any rate after three years. This contention of the applicant's counsel is not accepted.

The punishment of censure would not wash out <sup>merely by lapsing of time</sup> ~~it remains on service record for all relevant purposes~~ <sup>by passing</sup> of time, Unless the same is set aside or expunged by the appropriate authority. Further contention, that the

punishment of censure imposed against him is not on the ground of extortion of money, has no merit. The very basis of the punishment is that there was a complaint against the applicant of harrasment and consequent extortion of money by falsely seizing the Matador of the complainant. This allegation has been believed by the disciplinary authority and the same has not been ~~interested with~~ <sup>challenged in appeal.</sup>

(8)

2. In view of the facts of the case, the decision taken by the disciplinary authority, not to promote the applicant, is not unjust or arbitrary and does not call for any interference by this Tribunal.

3. Learned counsel for the applicant has relied upon a Circular issued by the Commissioner of Police, Delhi dated September 22, 1992, Clause (v) thereof reads as follows:-

"(v) Officers who have been awarded censures during the last six months with no other punishment may also be allowed to be brought on promotion list provided they do not have any other major punishment. However, the effect of censure by debarring the official for promotion by six months shall continue."

4. The aforesaid guidelines only put an embargo that officers who had been awarded censure may be considered for promotion list after a period of six months, if eligible. From the above guidelines, it cannot be interpreted that the punishment of censure ceases to be a relevant factor after a period of six months. ~~As~~ This is so, particularly in view of clause (ii) of the Circular dated 23.9.1992, which is extracted below, the total record of officer is required to be taken into consideration:-

*mm*

(9)

"(ii) The total record of the officer in that particular rank shall be taken into view with particular reference to the gravity and continuity of punishments till date. Punishments on counts of corruption and moral turpitude are to be viewed seriously."

5. *Thus it is evident that* DRG.  
*Moreover,* if there is any punishment on account of corruption and moral turpitude, the same is to be viewed seriously.

6. In view of the facts of the case, in our opinion, the allegation of misconduct of extortion of money from a citizen is a serious allegation and as far as the police force is concerned it ~~has~~ got to be DRG.  
 considered as an offence of moral turpitude. There is no substance in this O.A. Hence, the OA is dismissed.  
 No costs.

*Ravani -*  
 (R.K. Aahooja)  
 Member (A)

na

*DRG.*  
 (A.P. Ravani)  
 Chairman