

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2379/1995

New Delhi, this 26th day of August, 1999

Hon'ble Shri Justice V. Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

Kedar Nath
A-96, Police Colony
Sakur Basti, P.S. Saraswati Vihar
New Delhi-110 034

.. Applicant

(None present)

versus

Govt. of NCT of Delhi, through
Commissioner of Police
Police Hqrs., I.P. Estate
New Delhi

.. Respondent

(By Bhaskar Bhardwaj, Advocate)

ORDER(oral)

By Reddy, J. -

None appears for the applicant. Heard the learned counsel for the respondent. As the matter is an old one being of 1995, we proceed to dispose of the OA on merits.

2. Perused the records in this case. Applicant, a Head Constable in Delhi Police, was alleged to have accepted money from the decoy S.I.Virender Kumar, PS Anand Parbat who was driving Truck No.RSC 5595. A departmental enquiry has been initiated against him. An enquiry officer EO, (for short) was appointed who had examined the PWs and DWs and on the basis of their evidence found that the charge against the applicant was proved. The disciplinary authority (DA, for short) after considering the records of the case and finding given by the EO and also after hearing applicant, accepted the finding of the EO and imposed the penalty of forfeiture of 5 years

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approved service. The appeal was rejected. In view of the orders in OA 1430/90 of the Tribunal, the appellate authority reconsidered the appeal and the penalty was reduced to forfeiture of 3 years approve service. Aggrieved by the orders of DA/AA, the applicant has filed the present OA.

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3. Several grounds have been adduced by the applicant in the OA. It is stated that a false case was set up against him and the finding of the EO was perverse. It is also stated that the impugned order is not a speaking order. It is further pointed that the applicant asked the co-constable to swallow the note but it did not form part of the charge against him.

4. We have carefully examined the pleadings on record and the impugned orders passed by the DA/AA. The applicant had earlier filed OA 1430/90 against the impugned orders of the DA and AA and the Tribunal passed an order on 23.8.94 remitting back the case to the AA with a direction to reconsider the quantum of punishment levied upon the applicant in the light of the observations made in Arvind Kumar's (co-accused of the applicant) case and pass a speaking order after giving detailed reasons in support of the same. Thereafter, appeal of the applicant was disposed of by the AA reducing the quantum of punishment to 3 years forfeiture of approved service.

5. We find that the EO after considering the evidence of DWs held that the charge was proved. There is sufficient evidence on record to ^{support} ~~establish~~ the findings. It is not correct to contend that the report of EO is

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perverse. It is also not correct to contend that the impugned orders passed by the DA/AA are not speaking ones. Several reasons are assigned in support of the contentions. This Tribunal cannot act as an appellate authority and go into validity of the findings. It is not a case where the procedure adopted suffers from any infirmity. In the earlier OA, the Tribunal upheld the order of DA but remitted back the matter to the AA to reconsider on the quantum of penalty which was accordingly done. No irregularity in the order of AA is brought to our notice. We find no merits in this application. The OA is accordingly dismissed. No costs.

(X)

Shanta Shastry

(Smt. Shanta Shastry)
Member(A)

V. Rajagopala Reddy

(V. Rajagopala Reddy)
VC(J)

/gtv/