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Central Administrative Tribunal, Principal Bench

OA No.2485/95

New Delhi this the 29th day of March, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mrs. Shanta Shastry, Member (Admnv)

H.C. Ajit Singh No.1144 PCR
S/o Shri Harbhajan Singh,
R/o L-26, Laxmi Nagar,
Delhi-110092.

...Applicant

(By Advocate Mrs. Meera Chhibber, though none appeared)

-Versus-

1. Union of India, through
Commissioner of Police,
PHQ, M.S.O. Building,
I.P. Estate, New Delhi.
2. Additional Commissioner of Police (Ops PCR),
PHQ, MSO Building, I.P. Estate,
New Delhi.
3. Dy. Commissioner of Police (Control Room),
PHQ, M.S.O. Building,
4th Floor, Indraprastha Estate,
New Delhi.

...Respondents

(By Departmental Representative Shri Jarnail Singh, ASI)

O R D E R (ORAL)

By Mrs. Shanta Shastry, Member (Admnv):

None appears for the applicant either in person or through counsel. Counsel for the respondents also is not present. Departmental representative ASI Jarnail Singh appears on behalf of the respondents. Since the matter is of 1995, we proceed to dispose it of on merits on the basis of the material on record.

2. The applicant who joined as a Constable in the Delhi Police in 1975 was promoted as Head Constable in 1991. While he was posted in PCR on 20.5.93 he was Head Constable incharge of PCR Van numbered as Romeo-20. He was served with an order placing him under suspension on 31.5.93 on the ground that he alongwith three others had demanded bribe from

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landlord of House No.F-226 in Mangal Bazar, Luxmi Nagar. Thereafter regular enquiry was conducted against the applicant as well as ^{the} others. The allegations levelled against them were that they were detailed for duty at PCR Van R-20 from 8 AM to 8 PM on 20.5.93. They left the RAP without any permission of the senior officers and contacted Shri Prakash Anand, owner of house No.F-226, Mangal Bazar, Luxmi Nagar at about 4.00 PM and demanded bribe from him in order to let him carry out the repairs/renovations work to the said house. Shri

Prakash Anand, however, refused to pay any amount. There was no official business to go to the above house. The PCR staff reached there unauthorisedly with some ulterior motives and left the RAP without any information/permission of their seniors. They were reinstated on 9.7.93 without prejudice to the DE, pending against them.

3. The DE was entrusted to Inspector Shri Raghubir Singh who conducted the enquiry as the applicant alongwith others did not plead guilty. He examined five prosecution witnesses in the presence of the defaulters and after giving full opportunity and after assessing the statements of the PWs and after examining three DWs came to the conclusion that the charge framed against all the three defaulters is fully proved. He submitted his findings on 29.3.94. Copies of the findings were given to all the three defaulters for submitting representations, if any. The applicant submitted representation on 13.5.92. The disciplinary authority agreed with the findings of the enquiry officer and inflicted the punishment of reduction in pay by one stage from Rs.1270/- p.m. to Rs.1240/- p.m. in the present time scale of pay for a period of one year with immediate effect. He would also not earn any increment of pay during the period of reduction and

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on the expiry of this period the reduction would have the effect of postponing the future increments of pay. The period of suspension w.e.f. 20.5.93 to 8.7.93 was decided as 'not spent on duty' for all intents and purposes. An appeal was made against this order dated 15.7.94. The appellate authority also, after going through the appeal, relevant record etc. carefully and after hearing the appellant in person in OR on 16.12.94 did not find any ground to interfere with the punishment imposed and rejected the appeal. A further revision petition was submitted by the applicant. The same was also rejected. The applicant has approached this Tribunal to quash the suspension order dated 31.5.93, order of the disciplinary authority dated 15.7.94, the appellate order dated 19.12.94 and the revision order dated 29.8.95 and to grant all consequential benefits.

4. According to the applicant this is a case of 'no evidence'. The enquiry officer completely ignored the defence evidence. He also ignored the statement of PW-5, i.e., wife of the complainant. PW-1 and PW-2 did not categorically say that the applicant has asked for any bribe. As far as leaving of the RAP is concerned, the call book clearly showed that R-1 had directed R-20 to go to help of R-17 whose jeep had become off road. There was no ulterior motive in going to the house of Sh. Prakash Anand. No transactions of money took place and since there was ^{no} evidence to the effect that the applicant had demanded any money, it is wrong to treat the suspension period as 'not spent on duty'.

5. We have perused the pleadings and the impugned orders and other material available on record. We find that the charge that the applicant had left his place of duty and had gone to house No.F-226, Mangal Bazar, Luxmi Nagar

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unauthorisedly with ulterior motive has been established. The disciplinary authority has read the findings of the enquiry officer and has carefully considered the evidence of the prosecution witnesses as well as the defence witnesses and thereafter after giving proper opportunity to the applicant has imposed the penalty. The appellate authority has applied his mind and keeping in view the overall facts and circumstances of the case rejected the appeal. It cannot be said that this is a case of 'no evidence' at all when the fact that the applicant had unauthorisedly left the RAP without permission of Senior Officers and had visited the house of the complainant is established by the enquiry officer through the evidence of the PWs. It is not for us to re-appreciate the evidence. We find that the enquiry was conducted fairly. The applicant was given opportunity of cross-examination of PWs. He was even heard in person by the Appellate Authority. The impugned orders cannot be faulted. Therefore, we would not like to interfere with the impugned orders. Accordingly, the OA is dismissed. We do not order any costs.

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(Smt. Shanta Shastry)
Member (Admnv)

V. Rajagopla Reddy

(V. Rajagopla Reddy)
Vice-Chairman (J)

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