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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 29/95

New Delhi: this the 23rd day of September, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH MEMBER (J).

Dharam Pal S/o Hanphool Singh,
R/o Village & P.O. Bijrol,

P.S. Baraut,
Distt. Meerut, UP.

2. Bisham Pal S/o Shri Rendhal Singh,
R/o Village Shahjadi P.O. Shoro, Applicants.
Distt. Muzaffar Nagar, UP.

(By Advocate: Shri Shyam Babu)

Versus

Commissioner of Police, Delhi,
Delhi Police Headquarters,
MSO, Bldg. I.P. Estate,
New Delhi.

2. Addl. Commissioner of Police,
North Range,
Delhi,
Delhi Police Headquarters,
MSO Bldg. I.P. Estate,
New Delhi.

3. Deputy Commissioner of Police,
North West District, P.S. Ashok Vihar,
Delhi Respondents.

(By Advocate: Shri Anil Singhal proxy for Shri Anoop Bagai).

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicants impugn the Disciplinary Authority's order dated 28.6.93 (Annexure-A1) dismissing them from service and the appellate order dated 10.5.94 (Annexure-A-1/A) rejecting the appeal. They pray for reinstatement.

2. Applicants were proceeded against departmentally on the ground that although applicant No.1 was deputed

for night patrolling duty with vehicle on the night of 23/24.8.92, neither he nor the vehicle could be found, but later applicant No.1 together with applicant No.2 were found in a house of ill-repute on S.B. Road in plain clothes, and both were smelling of alcohol.

3. The Inquiry Officer in his findings (Annexure-A4) held the charge against applicants to be proved, after rejecting their defence that they had gone to that house to apprehend a notorious dacoit after hearing about his presence there. The Disciplinary Authority's order reveals that a copy of the Inquiry Officer's finding was furnished to applicants for representation, if any. Applicant No.1 submitted his representation. Both were called for personal hearing, but only applicant No.2 availed of the opportunity. Thereafter agreeing with the Inquiry Officer's findings the Disciplinary Authority by impugned order dated 26.6.93 dismissed the applicants from service, which was upheld in appeal vide impugned order dated 13.5.94.

4. The only ground advanced by Shri Shyam Babu is that there were several aspects to the charge and that the Inquiry Officer had not recorded his specific and reasoned findings to each aspect, especially the one regarding the consumption of liquor, but the Disciplinary Authority had held applicants guilty of the consumption of liquor also.

5. The gravamen of the charge against applicants is that they were found in a house of ill-repute in plain clothes on the night of 23/24.8.92 when applicant No.1 was expected to be on duty with vehicle.

Applicants do not deny that they were in that house of ill repute on that particular night. Their only defence is that they had gone to apprehend a dacoit there, but that defence has been disbelieved by the respondents and no materials have been furnished to us to hold that their conclusions were illegal or arbitrary. As pointed out by the Inquiry Officer in his report, if indeed applicants had received any information of the presence of a dacoit in that particular house of ill-repute, applicants should have informed their SHO or any senior officer and they should have left the P.S. only with prior permission. It is therefore clear that this defence of applicants had no legs to stand on. Under the circumstance even if there was no specific finding as to whether applicants had consumed liquor or not, the fact that they were found in a house of ill repute, without good reason, is itself sufficient to warrant the penalty of dismissal that has been inflicted upon them. In this background the ruling in Anil Kumar Vs. Presiding Officer, AIR 1985 SC 1121 cited by Shri Shyam Babu is of no assistance to applicants.

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

Kuldeep Singh
(KULDEEP SINGH)

MEMBER (J).

Adi Gopal
(S.R. ADIGE)

VICE CHAIRMAN (A).

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