

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 368/1995

4

New Delhi this the 11th day of August, 1999.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI N. SAHU, MEMBER (A)

SI Gajraj Singh No.442/D
S/O Kehar Singh,
R/O D-II-199, Nehru Vihar,
Delhi-110094.

... Applicant

(By Shri Shankar Raju, Advocate)

-Versus-

1. The Lt. Governor,
NCT of Delhi through
Commissioner of Police,
Police Headquarters,
MSO Building, I.P.Estate,
New Delhi.

2. Addl. Commissioner of Police,
Armed Police & Training,
Police Headquarters,
MSO Building, I.P.Estate,
New Delhi-110002.

... Respondents

(By Shri S. K. Gupta for Shri Jog Singh, 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 punishment order passed by the disciplinary authority and modified by the appellate authority.

2. The applicant was a Sub Inspector in Delhi Police. He was chargesheeted for having demanded a sum of Rs.10,000/- from the driver of truck No. DL 1G

Jm

5

1520 and for having beaten the truck driver Pitamber Singh after snatching a sum of Rs.500/- from him. Enquiry officer found the charge proved. Accepting the enquiry report, the disciplinary authority imposed the penalty of dismissal from service. On appeal, the appellate authority altered the penalty of dismissal from service to one of forfeiture of three years' approved service. Being aggrieved, the applicant has filed the present O.A. for the said relief.

3. The learned counsel for the applicant submitted that summary of evidence to be laid on behalf of the prosecution was not given or supplied to the applicant alongwith the chargesheet. Accordingly it was submitted that the enquiry was vitiated and on that basis no penalty could be imposed on him.

4. The learned counsel for the applicant fairly conceded that the point was not urged either before the enquiry officer or before the disciplinary authority and/or before the appellate authority. Even if the grievance is true, it would amount to irregularity and not illegality. Unless some prejudice is shown to have been caused to the applicant pursuant to the infirmity pointed out by the learned counsel, it does not sustain. We are of the view that there is no material to show that because of the said irregularity, the applicant suffered any injury or prejudice to his defence. We, therefore,

For find no substance in this O.A.

6

5. In the result, this O.A. fails and it is hereby dismissed. No costs.

Km

(K. M. Agarwal)
Chairman

N. Sahu

(N. Sahu)
Member(A)

/as/