

Central Administrative Tribunal
Principal Bench

O.A. No. 545/95

Decided on: 23, 9, 99

Kaptan Singh ... Applicant

(By Advocate: Ms. Jasvinder Kaur)

Versus

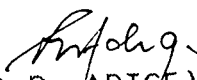
Commissioner of Police ... Respondent

(By Advocate: None appeared)

CORAM

Hon'ble Mr. S.R. Adige, Vice Charman (A)
Hon'ble Mr. Kuldip Singh, Member (J)

1. To be referred to the Reporter or Not? **YES**
2. Whether to be circulated to other outlying benches of the Tribunal or not? **NO**


(S.R. ADIGE)
VICE CHAIRMAN (A)

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Central Administrative Tribunal
Principal Bench

O.A. No. 545 of 1995

New Delhi, dated this the 23rd September 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. Kuldeep Singh, Member (J)

Shri Kaptan Singh,
Hd. Const. No.353/NW,
C/o Shri Y.K. Dullar, Advocate,
Chamber No.603, Patiala House Courts,
New Delhi-110001. Applicants

(By Advocate: Ms. Jasvinder Kaur)

Versus

Commissioner of Police,
Police Headquarters,
I.P. Estate,
Delhi-110002. Respondent

(None appeared)

ORDER (Oral)

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

Applicant impugns the Disciplinary Authority's action dated 24.5.93 (Annexure 2) and the appellate authority's order dated 13.5.94 (Ann. 1).

2. Applicant was proceeded against departmentally on the ground that during the course of investigation of criminal case CIR No. 269 dated 9.7.92 u/s 279/337/IPC P.S. Saraswati Vihar he did not contact one Sumer Pandey S/o Shri Madan Pandey Resident of 1808, Multhani Mohalla, Delhi who was the only person who could have disclosed the place of the accident and the circumstances under which the injured person was removed to hospital from the spot.

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Consequently he was issued a show cause notice for censure for the said lapse. While he submitted his reply to the show cause notice he mentioned that the address of Sumer Pandey who had got admitted the injured person was found incorrect, and it was mentioned in Case Diary Part I Para 7 by him, but on verification of the original CD-I nothing such was found mentioned by the Head Constable, but in the carbon copy of the CD applicant managed to add the said time mischievously to misguide the senior officers.

3. The I.O. in his findings (Annexure 5) held the allegations as proved.

4. A copy of the I.O.'s findings was supplied to applicant for representation, if any, on receipt of which, ~~also~~ after giving applicant a hearing, and perusing the materials on record, the disciplinary authority by impugned order dated 24.5.93 ordered withholding of one increment for one year with cumulative effect, which was upheld in appeal vide impugned order dated 13.5.94.

5. It is clear that the charges against applicant is in two parts: firstly his failure to contact Shri Sumer Pandey during the course of

investigation in the criminal case; and secondly his attempt to make it look as if despite his best efforts he could not do, so because Shri Sumer Pandey had not given his correct address, for which purpose he had mischievously added a line in the carbon copy of CD Part I.

6. Ms. Jasvinder Kaur has argued that applicant was in no way responsible for addition of the line, and if applicant had really wanted to misguide his superiors he would have added the line in the original of CD Part I itself and not in the carbon copy.

7. Admittedly applicant was asked to show cause why he should not be censured for not contacting Shri Sumer Pandey while investigating the criminal case. It is not applicant's case that he did actually contact Shri Sumer Pandey. His defence was that despite his best efforts he could not contact Shri Sumer Pandey owing to the wrong address given by him, and it is clear that to buttress this defence, with a view to avoid being censured, that he added the line in the carbon copy of CD Part I, as he was the investigating officer and had the motive to do so.


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8. Under the circumstances, on the basis of the preponderance of probability we find the charge against applicant stands established.

9. No infirmity in the conduct of the proceedings has been specifically brought to our notice to warrant judicial interference in this case.

10. The O.A. is, therefore, dismissed. No costs.


(Kuldip Singh)
Member (J)

/GK/


(S.R. Adige)
Vice Chairman (A)