

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O. A. No. 804/1995

New Delhi: this the 13th day of December, 1999.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Prem Singh,
Inspector No. DI/32,
Delhi Police,
A-II, 144, Sector V, Rohini,
Delhi -85.

..... Applicant.

(By Advocate: Shri K. S. Rajan)

Versus

The State of Delhi,
through the Commissioner of Police,
Headquarters,
NSO Building,
Indraprasta Estate,
New Delhi -2

..... Respondents.

(By Advocate: Shri Anil Singhal)

ORDER (ORAL)

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

Applicant impugns the Disciplinary Authority's order dated 9.11.92 (Annexure-A1) and Appellate Authority's order dated 8.8.94 (Annexure-A2).

2. Applicant was proceeded against departmentally on the charge that on 3.12.90, he, while posted at IGI Airport, as Inspector, went to Terminal II of that Airport, in plain clothes, accompanied by two passengers who were known to him for their clearance from airlines as well as ^{Immigration} counters. The passengers wanted to go by Lufthansa Flight No. L.H.761 bound for Frankfurt on the authority of forged passport issued by AFRO Jullandar in the names of Mahinder Singh and Gurtek Singh. During the course of verification of travel documents of the passengers in AFRO Office,

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applicant's identity card was also found with those documents but the applicant along with both the passengers slipped away from the airlines counter leaving behind all the travel documents. On further enquiry and search, the applicant was found present in the Departure Left Wing of IGI Airport and was brought to AFRO Office where he has alleged to have admitted before Shri Shyam Lal Singh, AFRO that both the above passengers/^{who}intended to go to Frankfurt were known to him and their travel documents were also forged.

3. The Enquiry Officer in his findings held the charge against applicant as proved and a copy of the same was furnished to him to submit his representation. Upon receipt of applicant's representation, the Disciplinary Authority by impugned order dated 9.11.92 imposed penalty of reduction in rank from the post of Inspector to that of Sub-Inspector for a period of five years. The applicant who had been under suspension following the above incident was reinstated in service with reduction in rank.

4. The appellate authority vide order dated 8.8.94 substituted the aforesaid punishment into withholding of two future increments for a period of two years with permanent effect.

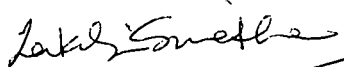
5. We have heard applicant's counsel Shri KBS Rajan and respondents' counsel Shri Anil Singhal.


6. The main ground taken by Shri Rajan is that

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Shri Y. S. Dadwal, SIG, who signed the impugned order dated 9.11.92 as Addl. C P was not holding the aforesaid post on that date and hence he could not have imposed the aforesaid penalty. In this connection he relied upon respondents' order dated 16.12.92 promoting Shri Dadwal to the rank of DIG as Addl. C P (Operation) and contended that prior to that date i.e. 16.12.92 Shri Dadwal DIG had no authority to issue such an order. On the other hand, Shri Singhal has invited our attention to the respondents' order dated 4.7.92 relieving Shri Dadwal, DC P to take over on transfer as Addl. C P. Shri Singhal stated that pursuant to aforesaid order, Shri Dadwal took over as Addl. CP and he signed the aforesaid impugned order dated 9.11.92 and the same could not be said to be lack of competence. He relied upon Section 136 Delhi Police Act and Rule 9 of Delhi Police (General Conditions of Services) Rules.

7. In the light of the aforesaid legal provisions relied upon by Shri Singhal, we are unable to hold that Shri Dadwal was not competent to issue the aforesaid impugned order dated 9.11.92, and other grounds taken in the pleadings also do not warrant any interference in the matter. The OA is therefore dismissed. No costs.


(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)


(S. RADIGE)
VICE CHAIRMAN (A).

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