

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 168/1996

New Delhi this the 16th day of February, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Constable Mange Ram -8255/DAP  
S/o Shri Khichu Mal,  
R/o Gali No.1,  
House No.9-A, Meet Nagar,  
Shahdara, Delhi.

...Applicant

( None for the applicant. )

-Versus-

1. Government of National Capital Territory of Delhi through the Chief Secretary, Rajpura Road, Delhi.
2. The Commissioner of Police, Delhi Police, Police Headquarters, Near I.T.O. New Delhi-110002.
3. Shri Arjun Singh, Sub-Inspector, Delhi Police, Indira Gandhi International Airport (P.A.P.) New Delhi.

....Respondents

( By Advocate Shri Vijay Pandita)

O R D E R (ORAL)

Shri Justice Ashok Agarwal:

Applicant who was a Constable in Delhi Police, seeks to impugn an order passed by the disciplinary authority on 25.8.1994 imposing on him a penalty of forfeiture of two years' approved service permanently for a period of two years entailing reduction in his pay from Rs.1070/-P.M. to Rs.1030/-P.M. with all consequent financial implications. He was directed not to earn his increments of pay during the period of

reduction and after the expiry of this period, the reduction <sup>was directed to</sup> ~~will~~ have the effect of postponing his future increments of pay. His suspension period with effect from 20.9.1993 to 1.12.1993 was directed to be treated as period not spent on duty. Aforesaid order passed by the disciplinary authority was carried by the applicant in appeal. The appellate authority by its order passed on 9.1.1995 has affirmed the findings of the disciplinary authority holding applicant guilty of misconduct alleged against him and has affirmed the aforesaid penalty. Applicant has now approached this Tribunal by presenting the present O.A.

2. The disciplinary proceedings related to an incident which had taken place on 18.9.1993. Applicant was detailed on VVIP route (Prime Minister route) duty from 1400 hrs. onwards. Prime Minister's scheduled time of 1600 hrs. was advanced to 1530 hrs. SI Arjun Singh was also on VVIP route duty and while checking the men on duty, he found the applicant talking to a civilian. This was at about 1540 hrs. SI Arjun Singh advised the applicant to do his duty attentively because the PM's convey was expected at any moment. Applicant replied that he was talking to his brother. On this, SI Arjun Singh further advised him to talk to his brother only after his duty. On this, the applicant became furious and misbehaved with SI Arjun Singh. He also challenged SI Arjun Singh to write against him whatever he liked and also gave his rifle to SI Arjun Singh for safe custody so that he could go home then and there. When SI Arjun Singh objected, he threatened him that he would manage a

telephone call to the Deputy Commissioner of Police and would set him right. Later on, he rang up someone from the duty officer's room who in turn spoke to SI Arjun Singh to desist from writing anything against the applicant.

3. In respect of the aforesaid incident, applicant was placed under suspension by order passed on 20.9.1993. A departmental enquiry was directed to be held against him for gross misconduct, indiscipline and negligence in the discharge of his official duties which rendered him liable for departmental action under Delhi Police (Punishment & Appeal) Rules, 1980. The enquiry was entrusted to Inspector Ganga Sahai, who conducted the enquiry and thereafter submitted his findings holding applicant guilty of the charge framed against him. Copy of the findings of the inquiry officer was given to the applicant on 29.7.1994 thereby providing him an opportunity to submit his representation. Applicant accordingly submitted his representation on 11.8.1994. The disciplinary authority being the Deputy Commissioner of Police by his impugned order passed on 25.8.1994 accepted the findings recorded by the inquiry officer and imposed the aforesaid penalty on the applicant. Before the aforesaid order was passed by the disciplinary authority, a personal hearing was offered to the applicant on 19.8.1994. The disciplinary authority in his order, has inter, alia observed that during the personal hearings, applicant has not advanced anything afresh in his defence, but has admitted his guilt. Applicant has also given in his own hand to this

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effect and has pleaded for leniency. Disciplinary authority in view of the aforesaid admission and plea for leniency has taken a lenient view and has imposed the aforesaid penalty on the applicant. Applicant has thereafter preferred an appeal to the appellate authority. Appellate authority in his order dated 9.1.1995<sup>has</sup> observed as under:-

"I have carefully gone through the appeal, comments and all the relevant record in D.E. file. I have also heard the appellant in orderly room on 30.12.1994. First contention of the appellant has no force since it has been established during the D.E. proceedings that the appellant misbehaved with S.I. Arjun Singh when he advised him to do his duty attentively. Moreover, the appellant himself admitted his fault of non attentiveness on VIP route duty and misbehaved with the checking officer. Second contention of the appellant is admitted to the extent that a person standing nearby the telephone cannot hear the voice of speaker on the other side. However, this further strengthens the allegation levelled against the appellant that he made use of the official phone only to put pressure on the S.I. As regards third contention, all the PWs examined during D.E. proceedings have fully supported the prosecution case. Third contention of the appellant is, therefore, not tenable. Fourth contention of the appellant is not valid and devoid of force since the allegation levelled against the appellant was fully proved during the D.E. proceedings. The appellant not only misbehaved with S.I. Arjun Singh but he had also made attempt and brought extra departmental influence in the service matter. There is no force in any of the contentions advanced by the appellant in his appeal. I, therefore, see no reason to interfere with the orders of punishment awarded to him by the disciplinary authority. Hence the appeal is rejected."

4. In our judgement, if one has regard to the record of the present disciplinary proceedings, it is clear that no fault can be found either on the

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procedural aspects, on merits or in respect of the quantum of punishment imposed on the applicant. Applicant was duly served with a chargesheet. The report of the inquiry officer was duly served on the him. Applicant has submitted his representation against the report. Disciplinary authority has considered his representation and has also given him a personal hearing. During the personal hearing, applicant has admitted his guilt and has prayed for leniency. He has recorded his admission in his own hand. Hence apart from the evidence of SI Arjun Singh and other material on record, the allegations against the applicant are also borne out <sup>by</sup> ~~of~~ his admission. Disciplinary authority, on the basis of the aforesaid material, has proceeded to impose aforesaid penalty, which in our view having regard to the indiscipline of a Police constable, who is a member of the disciplined force, if at all, ~~urged~~ <sup>erks</sup> on the side of leniency, ~~is just and proper~~. Applicant has thereafter preferred an appeal. The appellate authority has considered all the points raised by the applicant in his appeal, as is clear from the order which we have already reproduced. In the circumstances, we find that the appellate authority was also fully justified in dismissing the appeal.

5. For the foregoing reasons, we find that the order of penalty imposed on the applicant is just and proper and does not call for any interference in the present O.A. The same is accordingly dismissed. No order as to costs.

*Shanta Shastri*

( Shanta Shastri )  
Member (A)

*Ashok Agarwal*  
( Ashok Agarwal )  
Chairman