

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.NO.245/96

New Delhi, this the 8th day of February, 2000.

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. M.P.SINGH, MEMBER (A)

Sh. Parmod Kumar, S/O Sh. Chidha Singh,
No.3986/DAP, 3493/DAP IV Bn. DAP,
Kingsway Camp, Delhi.

.....Applicant.
(By Advocate: Sh. A.M.Pattiyan, proxy counsel
for Sh. M.P.Raju)

VERSUS

1. The Govt.of N.C.T. of Delhi through its Chief Secretary, Old Secretariat, Rajpur Road, Delhi.
2. The Commissioner of Police, Police Headquarters, I.P. Estate, New Delhi - 110 002.

.....Respondents
(By Advocate: Sh. Rajinder Pandita)

O R D E R (ORAL)

Mr. Justice Ashok Agarwal, Chairman:-

Sh. A.M.Pattiyan, proxy counsel for Sh. M.P.Raju, counsel for the applicant has applied for adjournment on the ground that Sh. M.P.Raju is busy in Hon'ble Supreme Court. We are afraid the adjournment prayed for, cannot be granted as the matter is old one relating to the year 1995. Our cause list makes it very clear that the matters will be taken up serially and no adjournment will be granted. In the circumstances, the prayer for adjournment is rejected.

2. By the present OA, the applicant seeks to impugne an order of dismissal from service passed by the disciplinary authority on 15.7.93 as also the order

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passed by the appellate authority on 26.10.93 dismissing his appeal.

3. Facts giving rise to the filing of this OA are as follows.

4. A special recruitment process for the post of Constable in Delhi Police was undertaken in May, 1987 from Saharanpur and Rampur (UP). In the Advertisement inviting applications, a stipulation was made that the candidate applying for the post must be registered with any of the Employment Exchanges in U.P. State, one month before 11.4.87 and 15.5.87 for recruitment from Saharanpur and Rampur (UP) respectively. Applicant applied and was selected as Constable during the said Special Recruitment held for Rampur (UP) against Roll No.244/R. On scrutiny of his Employment Exchange Registration Card, it was found that he had produced a bogus Employment Exchange Card for the purpose of securing employment as Constable. Accordingly by an order passed on 19.4.88 services of the applicant were terminated. Applicant impugned the said order by filing OA 754/89. It was inter alia contended that the aforesaid order of termination had been passed without any notice to the applicant and without holding disciplinary proceedings against him. By an order passed on 9.12.91, the order of termination was set aside. Liberty was, however, granted to take suitable action after holding the formal disciplinary proceedings against the applicant.

5. By a decision taken on 3.7.92, disciplinary proceedings were initiated against the applicant. An Enquiry Officer was appointed. A charge sheet was duly served upon the applicant. The disciplinary authority by his order issued on 15.7.93, dismissed the applicant from service. Applicant carried the matter in appeal and the appellate authority by order issued on 26.10.93 dismissed the appeal. A copy of the appellate authority's order was duly served upon the applicant on 10.11.93. Applicant has accordingly filed the present OA on 30.3.95.

6. We have perused the record in respect of the disciplinary proceedings which have been conducted against the applicant. The gravamen of the charge levelled against the applicant is that he has used a false and fabricated Employment Exchange card for the purpose of securing employment as Constable with Delhi Police. The disciplinary authority has placed a reliance on the statement of PW (Court Witness), Sh. R.M.Kumar, Asstt. Employment Officer, Meerut, UP, who has deposed that the applicant was not registered against Registration No. C/3331/87, dated 1.1.87. He has on verifying the record, stated that the aforementioned registration number related to the registration of one Abdul Aziz S/O Sh. Abdul Mazid. The aforesaid evidence has been accepted by the Enquiry Officer, Disciplinary Authority and also by the Appellate Authority. We are not a Court of appeal. It is not open to us to reappreciate the evidence and come to a finding contrary

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to one arrived at by the disciplinary authorities. As longs as the findings of guilt is based on material which has been produced in the disciplinary proceedings, the same is not liable to be vitiated in the present proceedings.

7. As far as the procedural aspect is concerned, we find that the charges levelled against the applicant have been duly served upon him. After the Enquiry Officer found the applicant guilty of the charge, a copy of his report was duly served. Applicant has thereafter submitted his representation against the finding. The same have been duly considered by disciplinary authority. Disciplinary authority has found the applicant guilty of the charge. Having regard to the gravity of the offence, namely, production of a false and fabricated document for the purpose of securing employment and that too employment in Delhi Police, an order of dismissal from service has been issued. The said order of dismissal has been affirmed by the appellate authority, who in turn, has considered the points raised by the applicant in the appeal. Having regard to the aforesaid evidence, namely, Registration No.C/331/87 produced by applicant does not relate to the applicant but to one Abdul Aziz, which in our view is clinching, the finding, is unescapable, namely, that the applicant is guilty of the charge levelled against him. Having regard to the gravity of the charge that too by an aspirant to the police force impugned order of penalty of dismissal from servic cannot be faulted. In the circumstances, both on merits as also

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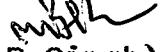
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on the procedural aspect, we do not find that a case is made out for interference.

8. The present O.A. is accordingly dismissed. No order as to costs.


(Ashok Agarwal)
Chairman


(M.P. Singh)
Member (A)

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