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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

O.A. NO. 751/96

New Delhi, this the 14th day of February, 2000.

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE MRS. SHANTA SHAstry, MEMBER (A)

Ajay Kumar Singh No. 11364/DAP,
S/O Chutan Pal Singh,
R/O Village Shyampur,
P.O. & P.S. Gawana,
Distt. Aligarh (UP).

... Applicant

(By Shri M. P. Raju, Advocate)

vs.

1. Union of India through
Secretary, Ministry of Home Affairs,
North Block, New Delhi.
2. The Commissioner of Police, Police
Headquarters, I.P. Estate,
New Delhi.
3. Dy. Commissioner of Police,
IV Bn. DAP,
Delhi. ... Respondents

(By Shri Anil Singhal for Shri Harvir Singh, Adv.)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

By the present OA, the applicant seeks to impugn an order of dismissal from service passed by the disciplinary authority on 18.4.1994, the order passed by the appellate authority on 25.11.1994 dismissing his appeal as also the order of revisional authority dated 20.5.1995 dismissing the revision as time barred.

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

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3. 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 Saharanpur (UP) against Roll No.132/S. 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 18.4.1994 services of the applicant were terminated. Applicant impugned the said order by filing OA 2289/88. 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.

4. By a decision taken on 13.7.1992, disciplinary proceedings were initiated against the applicant. An Enquiry Officer was appointed. A chargesheet was duly served upon the applicant. The disciplinary authority by his order issued on 18.4.1994, dismissed the applicant from service. Applicant carried the matter in appeal and

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the appellate authority by order issued on 25.11.1994 dismissed the appeal. The appellate order was served on the applicant on 12.12.1994. The revision petition preferred by the applicant on 7.3.1995 was rejected as time barred vide order dated 20.5.1995. Applicant has accordingly filed the present OA on 9.4.1996.

5. 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 reliance on the statement of PW (Court Witness), Shri R. L. Singh, Asstt. Employment Officer, Ghaziabad, UP, who has deposed that the applicant was not registered against Registration No.3010/87 dated 2.4.1987. He has on verifying the record, stated that the aforementioned registration number related to the registration of one Suraj Bhan S/O Sh. Fakir Chand. 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 to one arrived at by the aforesaid authorities. As long as the finding 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. Dr. Raju, the learned advocate appearing in support of the application, has sought to impugn the aforesaid

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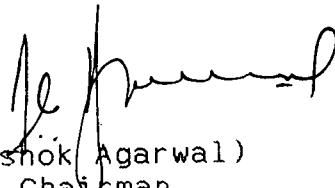
findings by setting up a plea of Article 14 of the Constitution. According to him, certain constables who had been similarly placed as the applicant, have been let off in the departmental appeals filed by them. In our judgment, aforesaid submission has been merely mentioned for the purpose of being rejected. Merely because some of the constables may have erroneously been let off, the same cannot justify a similar action to be taken in respect of the applicant herein.

6. 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 has 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 for 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. 3010/87 produced by applicant does not relate to the applicant but to one Suraj Bhan S/O Fakir chand, 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

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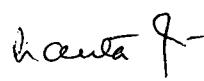
gravity of the charge that too by an aspirant to the police force impugned order of penalty of dismissal from service cannot be faulted. In the circumstances, both on merits as also on the procedural aspect, we do not find that a case is made out for interference.

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



(Ashok Agarwal)

Chairman



(Shanta Shastray)

Member (A)

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