

(10)

Central Administrative Tribunal  
Principal Bench

O.A. No. 977 of 1996

New Delhi, dated this the 1st February, 2000

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Shri Shiv Raj Singh,  
S/o Shri J.S. Yadav,  
S.I. No./ 686 D, Upper Course Training,  
P.T.S., Jharoda Kalan,  
New Delhi. ... Applicant

(None appeared)

Versus

1. Lt. Governor of Delhi,  
Raj Niwas, Civil Lines,  
Delhi-110054.
2. The Commissioner of Police,  
Delhi Police, Police Headquarters,  
I.P. Estate,  
New Delhi.
3. The Addl. Commissioner of Police (South Range),  
Police Headquarters, I.P. Estate,  
New Delhi.
4. The Addl. Dy. Commissioner of Police,  
Delhi Police, West District,  
Police Headquarters, I.P. Estate,  
New Delhi-110002. ... Respondents

(By Advocate: Shri Rajinder Pandita)

ORDER (Oral)

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

Applicant impugns the show cause notice dated 30.3.95 (Annexure A), the Disciplinary Authority's order dated 16.6.95 (Annexure C) and the Appellate Authority's order dated 23.8.95 (Annexure E).

2. Applicant was asked to show cause vide impugned notice dated 30.3.95 as to why he should not be censured for gross negligence and dereliction in the discharge of official duties, consequent to

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certain unauthorised encroachments found to have come up in the public land and DDA Park in Nihar Vihar, New Delhi.

3. Applicant submitted his representation and after consideration of the same, the same was rejected vide impugned order dated 16.6.95 and applicant's appeal was likewise rejected by order dated 23.8.95 against which the present O.A. has been filed.

4. None appeared for applicant even on the second call. Shri Rajinder Pandita appeared for respondents and has been heard.

5. The main ground taken by applicant in the O.A. is that he cannot be held responsible for intentional and deliberate wrong committed by Head Constable Dharambir Singh and Constable Vijender Singh who were responsible for allowing the encroachments to take place. Applicant has contended that he has given clear directions to these two police officials to take appropriate steps to ensure that illegal encroachments were not allowed to take place, and hence there was no question of lack of supervisory control on his part. He has also contended that these encroachments were never brought to his notice. 2

6. These contentions have no merit.

7. From applicant's own contention it is clear that his supervisory control over his <sup>subordinates</sup> ~~subordinates~~ ~~subordinates~~ were unsatisfactory, and as a result of which his own directions to them to take appropriate steps to ensure that encroachments did not occur on the public land were disregarded.

8. No infirmity has been alleged in the conduct of the proceedings to warrant any judicial interference in the O.A. and under the circumstances, the punishment of censure cannot be said to be unjustified. The O.A. is dismissed. No costs.

*Lakshmi Swaminathan*

(Mrs. Lakshmi Swaminathan)  
Member (J)

*S.R. Adige*

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

/GK/