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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1049 of 1996

New Delhi this the 21st day of May, 1996

**HON'BLE MR. JUSTICE A.P. RAVANI, CHAIRMAN
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)**

Shri Hans Ram
R/o RZ-J-23 West Sagar Pur,
New Delhi-110046.

..Applicant

By Advocate Shri R.K. Sharma

Versus

1. Commissioner of Police Delhi,
Delhi Police Headquarters,
M.S.O. Building,
I.P. Estate,
New Delhi.
2. Additional Commissioner of Police,
(Operations) Delhi,
Delhi Police Headquarters,
M.S.O. Building,
I.P. Estate,
New Delhi.
3. Deputy Commissioner of Police/FERO,
Hans Bhawan Near I.T.O.,
New Delhi. ..Respondents

ORDER (ORAL)

Hon'ble Mr. Justice A.P. Ravani

The applicant, a Sub Inspector in the Delhi Police, challenges the legality and validity of the order of punishment imposed upon him *at the ^{conclusion} basis of a departmental enquiry held* against him. A departmental enquiry was held on the charge that he recorded a wrong entry in FIR No. 97 of 1993 concerning the time of the arrest of Smt. Shanti Devi and concocted

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the record. The disciplinary authority after recording evidence and after hearing the parties, came to the conclusion that the charge levelled against the applicant was proved and imposed the penalty of reduction of 2 stage from Rs.2180/- to Rs.2060/- in time scale of pay for a period of 2 years with effect from the date of issue of the order, i.e., 10.01.1995. The applicant carried the matter in appeal before the appellate authority. The appellate authority dismissed the same vide order dated May 22nd, 1995. Thereafter, the applicant preferred a ~~revision~~ ^{revision} ~~before the appellate authority.~~ petition. The learned counsel for the applicant states that the applicant has not received any communication as to whether the ~~revision~~ ^{revision} petition has been decided or not. In the aforesaid background, the applicant has challenged the legality and validity of the order of punishment imposed upon him. The contention that earlier there was a departmental enquiry and he was exonerated vide letter dated 13.4.1993 issued by the Additional Deputy Commissioner of Police, North West District, Delhi, cannot be accepted.

2. We have gone through the aforesaid documents. It was not a departmental enquiry. It was only a scrutiny of a complaint at the administrative level made by a superior police officer. In such enquiry at the administrative level if an officer finds that there was no substance in the complaint, it cannot be said that there was a departmental enquiry on the

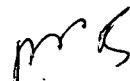
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same charge against the applicant. Therefore, the contention that it is the second enquiry which has been held against him on the same charge cannot be accepted. The contention that the applicant could not even be held responsible for ~~the~~ falsely recording of the FIR has no substance. There is concurrent finding of fact on this point. We are unable to agree with the contentions of the learned counsel for the petitioner. No other other contention has been raised.

3. There is no susbtance in the petition and the same is dismissed.


(K. MUTHUKUMAR)
MEMBER (A)


(A.P. RAVANI)
CHAIRMAN

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