

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1864/1997

New Delhi this the 7th day of August, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Ex.Contable Anand Singh
S/o Shri Chote Lal
R/o H.No.13/265, P.O. &
P.S. Trilok Puri
Delhi-91.

... Applicant

(By Shri Shanker Raju, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Home Affairs,
North Block,
New Delhi.

2. Sr.Addl. Commissioner of Police
Armed Police & Training
Police Head Quarters, I.P.Estate
New Delhi.

3. Dy.Commissioner of Police
3rd Bn, D.A.P.
Kingsway Camp
Delhi.

... Respondents

(Sh.D.K. Singh, proxy for Sh.Anoop Bagai,
counsel)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

In disciplinary proceedings conducted against the applicant, the disciplinary authority by an order passed on 11.11.1996 has imposed a penalty of removal from service upon him. Aforesaid order has been affirmed and the penalty has been maintained by the appellate authority by his order passed on 19.5.1997. Aforesaid orders are impugned in the present OA.

2. Shri Shanker Raju, learned advocate appearing in support of the OA has vehemently contended that the disciplinary authority in his order has declined to take into account previous absence of

the applicant. Nonetheless, he has been persuaded to impose the extreme penalty of removal from service based again on past unauthorised absence. Aforesaid argument is based on the following recitals which appear in the order of the disciplinary authority:-

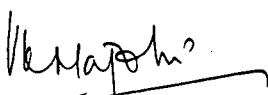
"The charge is proved, except for past absence as the same were either sanctioned as earned leave, casual leave, L.W.P. etc. However, in the past absence mentioned at Sl.No.64 to 72 of record the defaulter was awarded the punishment of forfeiture of three years service for a period of five years entailing proportionate reduction in his pay and his absence period was also treated as not spent on duty for all intents and purpose vide this office order no.5121-5100/HAP-III Bn, DAP dated 27/2/1996. This shows that the const. is an incorrigible type of person."

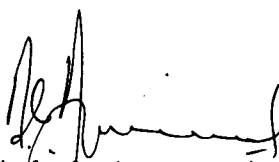
3. In our judgement, it would be impermissible to ~~distract~~ ^{dissect} the order of the disciplinary authority as is sought to be done by Shri Shanker Raju. The order as we read it shows that the disciplinary authority has refused to take into account the absence which has been sanctioned as Earned Leave, Casual Leave and Leave Without Pay etc. but has taken into account past absence which is mentioned at Sl.Nos.64 to 72 wherein applicant was awarded punishment for the aforesaid absence. Aforesaid absence has been taken into account for holding that the applicant was an incorrigible type of person. We do not find any error in the aforesaid finding of the disciplinary authority. Similarly we do not find that the aforesaid order of removal from service can be successfully assailed on the ground that the same is disproportionately harsh having regard to the misconduct found proved. Applicant is a member of the

9

Police force. As has been pointed out by the disciplinary authority, unauthorised absence affects discipline and efficiency of Police service which is certainly not in public interest. Hence the finding that the applicant is unfit for retention in Police service also cannot be successfully assailed.

4. Present OA in the circumstances, we find is devoid of merit which is accordingly dismissed. No order as to costs.


(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman