

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.No.2495/97

New Delhi: this the 14th day of October, 1999.

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

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Inderjit Singh,
(EX-Constable) (7322/DAP);
6th Bn. DAP,

S/o Sh. Laxmi Narain,

R/o Vill. Chhara,
P. S. Bahadurgarh,
Distt. Rohtak,

Haryana

..... Applicant.

(By Advocate: Shri Shyam Babu)

Versus

1. Sr. Addl. Commissioner of Police,
(AP & T),
Police Headquarters,
I.P. Estate,
New Delhi.

2. Dy. Commissioner of Police,
6th Bn. Delhi Armed Police,
Kingsway Camp,
Delhi

..... Respondents.

(By Advocate: Shri H. L. Jad)

ORDER

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

Applicant impugns the disciplinary authority's order dated 8.5.97 (Annexure-A) and the appellate order dated 12.8.97 (Annexure-B).

2. Applicant was proceeded against departmentally on the allegation that when deputed to perform duty in 3rd Battalion DAP he marked his departure vide DD entry No. 43 on 10.7.96 but then went to the HRM Office and said that he had not done good to him. He also threatened the BHM/6th Battalion with dire consequences in the presence of Constable Vijay pal and S.I. Raghunath. A report to this effect was lodged vide D.D. entry No. 50 dated 10.7.96. Thereafter, at

5.55 p.m. he , instead of reporting at 3rd Battalion DAP went to Hindu Rao Hospital and got himself medically examined after fabricating a false story that he was beaten up by H.C. Suresh Kumar and also gave a written complaint to S.I. Suresh Kumar of P.S. Model Town, Delhi stating that after his departure to 3rd Battalion he went to his barrack to collect his belongings where H.C. Suresh Kumar came and gave him a severe beating .


3. Applicant was placed under suspension vide order dated 12.7.96, but that suspension was subsequently revoked by order dated 29.11.96 (Annexure -F).


4.. The Inquiry Officer in his report dated 15.1.97 (Annexure-I) held the charge as proved beyond doubt. Tentatively agreeing with the Inquiry Officer's findings, a copy of the Inquiry Officer's report was furnished to applicant vide letter dated 2.1.97, for representation, if any. Applicant submitted his representation against the findings on 2.2.97. The disciplinary authority, after going through the materials on record, and giving applicant a personal hearing imposed the punishment of dismissal from service vide impugned order dated 8.5.97 which has been upheld in appeal vide impugned order dated 12.8.97.

5. In the grounds taken by applicant, he has denied having threatened H.C. Suresh (P.W.1) with dire consequences, but there is sufficient evidence on record to bring home this charge against applicant. It is therefore not a case where there is no evidence against applicant, and it is beyond the scope of the Tribunal to reappreciate the evidence.

/

6. Applicant has challenged respondents' action in placing him under suspension during the pendency of the D.E., but has not cited any rule or instruction which has been violated by respondents in doing so.
7. No infirmity in the procedure followed by respondents in the conduct of the proceedings has been brought to our notice and the principles of natural justice have been adhered to. The impugned orders have been passed by the authorities competent to do so.
8. The OA is therefore dismissed. No costs.


(KULDIP SINGH)
MEMBER(J)


(S.R. ADIGE)
VICE CHAIRMAN (A).

/ug/