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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2920/97

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, this the 30th day of May, 2000

Hd. Const. Rohtas Kanwar
HC 78/S.W.
s/o Shri Mangali Ram
Head Constable
P.S., R.K.Puram
New Delhi. Applicant

(By Shri Ashish Kalia, Advocate)

Vs.

1. Union of India through
Commissioner of Police
PHQ MSO Building
I.P.Estate
New Delhi.
2. Additional Commissioner of Police
Northern Range
Delhi Police Headquarters
I.P.Estate
New Delhi. Respondents

(By Shri Ram Kawar, Advocate)

O R D E R (Oral)

By Reddy. J.

The applicant was proceeded against in the departmental enquiry, on the charge that he was responsible for the escape of one of the prisoners who were taken to the Tis Hazari Courts in a criminal case, as the said prisoners were involved in the criminal case. A departmental enquiry was ordered against the applicant and the enquiry officer held that the charge against him was proved. The disciplinary authority, by order dated 3.9.1986, inflicted the penalty of forfeiture of three years approved service permanently entailing reduction in pay from Rs.255/- to Rs.240/- per month w.e.f. the date of issue of the order. His appeal was rejected as time barred. The review authority also rejected the



revision as time barred by order dated 27.11.1990. Questioning the revisional order the applicant filed OA No.1779/91 and the same was disposed of by an order dated 18.4.1996 directing the revisional authority to dispose of the revision petition on merits in accordance with law. Accordingly, the revisional authority considered the revision petition and disposed of the same by the impugned order rejecting the revision petition. Aggrieved by the same the present OA is filed.

2. The learned counsel for the applicant submits that Standing Order No.52 was wrongly interpreted by the respondent and as per the SO-52, the 2 prisoners should have been provided with not less than 3 Constables to escort them. As only two constables have been provided there was violation of SO-52 and hence the applicant was entitled for exoneration.

3. Heard the counsel for the applicant and the respondents. We have carefully examined the order passed by the revisional authority. He has noticed the plea raised by the applicant in the revision that adequate force was not provided to escort the accused person as per SO-52. It should be noted that in this case the applicant and another Constable ~~was~~ escorting two accused to the criminal court. Out of which one escaped and the applicant was held responsible for the same. SO-52 is filed as Annexure-A4 in this case. As per 6(d) which is the operative portion of the order is in the following terms:



No. of under trials to be escorted	Strength of the Guard
1	2 Consts.
2	3 Consts.
3	4 Consts.
4	5 Consts.
5 to 7	1 HC and 4 Consts.

4. Thus, it is clear that this SO speaks of the strength to be provided, ordinarily, for escorting the under-trials from judicial lock up to the courts. In this case for two under-trials, three Constables should have escorted. The Commissioner of Police, who is the revisional authority has considered this aspect in its order, and it was stated in his order as under:

"..... But, in this case, the accused were in handcuffs, as such the scale laid down in S.O.No.52 cannot be considered to have been attracted.
....."

5. It is clear from the perusal of SO-52 that it has no application for the handcuffed under trials. In the circumstances, it cannot be said that the view taken by the Commissioner of Police is erroneous or contrary to Standing Order No.52.

6. The learned counsel for the applicant seeks to rely upon amended SO-52 which came into force in 1988. As the instant case was of 1985, the said SO-52 would be of no application.

7. No other contention was raised in this case.

8. The OA, therefore, fails. It is, accordingly, dismissed. No costs.

Shanta S
(SMT. SHANTA SHAstry)
MEMBER(A)

V.Rajagopal Reddy
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)