

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.837/1997

New Delhi, this 24th day of October, 2000

Hon'ble Shri Ashok Agarwal, Chairman
Hon'ble Shri M.P. Singh, Member(A)

Surender Singh
415, Sainik Vihar
New Delhi

.. Applicant

(By Shri Shankar Raju, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Home Affairs
New Delhi
2. Commissioner of Police
Police Hqrs., IP Estate, New Delhi
3. Addl. Dy. Commissioner of Police/Crime
Police Hqrs., IP Estate, New Delhi .. Respondents

(By Ms. Sumedha Sharma, Advocate)

ORDER

By Shri M.P. Singh

The applicant is aggrieved by the order dated 3.2.95 passed by R-3 whereby he has been dismissed from service and order dated 4.7.96 by which his appeal against the punishment order has been rejected by the appellate authority.

2. Brief facts of the case, as stated by the applicant, are that he was working as Head Constable in Delhi Police and posted in the Narcotic Cell of the Crime Branch of Delhi Police along with Inspector Satbir Singh. A case FIR No.258 dated 19.6.92 u/s 20/21/61/85 of NDPS Act was registered at PS/Bhajan Pura, Delhi against one Sajjan Ali, who moved an application for interim bail on the ground of pregnancy of his wife. It is alleged that the applicant submitted a favourable report in the court facilitating the bail to accused



(2)

Sajjan Ali. Summary of allegations against the applicant available at Annexure -6 to the OA reads as under:

"It is alleged that Insp. Satbir Singh, No.D-1/125 while posted in NDPS Cell, Kamla Market, Delhi during the period June/July, 1992 was the IO of the case FIR No.258/92 PS Bhajan Pura, Delhi against Shri Sajjan Ali and others, he demanded a sum of Rs.20,000/- as bribe in order to get the accused released on parole and favouring him in his case which was under investigation. He agreed to accept the bribe of Rs.20,000 through HC Surinder Singh No.DAP in the instalments and the first instalment of Rs.6000 was demanded to be paid on 23.7.92. HC Surinder Singh again visited the shop of Shri Sajjan Ali on 23.7.92 and demanded the amount of Rs.6000 on behalf of the Insp. As agreed he accompanied Insp. Satbir Singh to the Red Light point Mauj Pur where Insp. Satbir Singh, No.D-I/125 demanded and accepted bribe of Rs.6000 from Shri Sajjan Ali.

The act done by Insp. Satbir Singh, No.D-I/125 and HC Surinder Singh, No.11099/DAP amounts to gross misconduct, negligence and they failed to maintain absolute integrity and devotion to duty which renders them liable for departmental action in accordance with Delhi Police (Punishment & Appeal) Rules, 1980".

3. The applicant was placed under suspension with effect from 23.7.92 on account of the alleged involvement and arrest in the criminal case. He asked for supply of certain documents for the purpose of his effective defence to the EO, which included a copy of the order passed by Learned ASJ granting parole to Sajjan Ali, original complaint of Sajjan Ali, copies of FIR in CBI case, copies of statement and documents relied upon by CBI and other documents. Despite persistent requests, these were not furnished to the applicant resulting in a grave prejudice to him in the matter of his effective cross examination and submission of defence. The EO concluded his enquiry holding the applicant guilty of the charges. The DA after going through the findings of EO and considering the



(13)

representation made by the applicant against the enquiry report, passed the impugned order of punishment and applicant's appeal against the same was rejected by the appellate authority.

4. Respondents have contested the claims and stated that a joint DE was conducted against the applicant and HC Satbir Singh u/s 21 of Delhi Police Act, 1978 alleging therein that Satbir Singh remained posted in NDPS Cell, Kamla Market during June-July, 1992 and he was IO of the case FIR No.258/92 PS/Bhajanpura in which Sajjan Ali and others were accused. Satbir Singh met the accused Sajjan Ali in court and demanded a sum of Rs.20,000/- as bribe in order to get him released on parole and for favouring him in the ~~in~~ ^{the} case which was under investigation against him. He agreed to accept bribe of Rs.20,000/- through the applicant (co-defaulter) in instalments and the first instalment of Rs.6,000/- was demanded to be paid on 23.7.92. For this purpose Surinder Singh visited the residence ^{of} ~~shop~~ accused on 21.7.92 and 23.7.92 and demanded the bribe of Rs.6000/- on behalf of the ~~Ex-Subj. Satbir Singh, etc~~ applicant and thereafter as agreed he accompanied him to Red Light point,, Majipur where Satbir demanded and accepted bribe of Rs.6000 from the accused. DE was concluded holding both of them as guilty of the charges. Copy of the findings of the enquiry report were served on the applicant, who submitted his representation to the same. On the basis of the findings of the EO and considering the submissions made by the applicant, the DA passed the impugned order of dismissal from service.

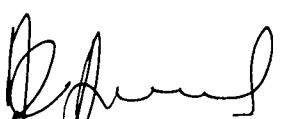
5. Heard the learned counsel for rival parties and perused the pleadings available on record.

6. During the course of the arguments, the learned counsel for the applicants ^{stated &} that the charges framed against the applicant are vague. The applicant requested for supply of documents to enable him to prepare effectively his defence but the same were denied to him. In view of this, the enquiry is vitiated and against the principles of natural justice. He has cited the judgement of the apex court in the case of Chandrama Tewari Vs. UOI 1987 Suppl. SCC 518 in support of his contentions wherein it has been held that the employee is entitled to copies of documents which justifies and relevant to his defence and if non-supply is taken as a ground, it would prejudice him.

7. Admittedly, the respondents have not furnished copies of documents as requested by the applicant in his representation to enable him to effectively prepare his defence. On this ground alone we hold that the enquiry is vitiated.

8. In the background of the aforesaid discussions, the impugned orders passed by the DA as also the appellate authority are liable to be quashed and we do so accordingly. However, the applicant would continue to be placed under suspension. Respondents are directed to conduct fresh enquiry from the stage of supply of documents requested for by the applicant and conclude the same as expeditiously as possible. Thus the OA is partly allowed to the above extent. We do not order any costs.


(M. P. Singh)
Member (A)


(Ashok Agarwal)
Chairman