

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

O.A. NO. 289/1997  
O.A. No. 420/1997  
O.A. NO. 943/1997

New Delhi this the 29th day of May, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE SHRIMATI SHANTA SHASTRY, MEMBER (A)

(1). OA NO.289/1997

Ex Head Constable Dev Dutt,  
S/o Shri Bhikka Ram,  
R/o Bikaner, Police Station Rewari,  
District Rewari,  
Haryana

(2). OA NO. 420/1997

Ex Constable Majid Khan,  
S/o Shri Karim Khan,  
R/o Villge Khadiray,  
Post Office Brang  
Police Station Sarka Ghat,  
District Mandi,  
Himachal Pradesh.

(3). OA NO. 943/1997

Ex Head Constable Ajaib Singh  
S/o Shri Dalel Singh,  
R/o 11634-74, Avenue, Municipality of Delta,  
British Columbia,  
V4C, 1E8, Canada,  
through his attorney,  
Shri Gambhir Singh Rana

.....Applicants  
(in all the OAs)

(Shri Deepak Pandey, counsel for applicants in all the  
three OAs.)

-Versus-

1. Union of India through  
Lt. Governor of Delhi, through  
Commissioner of Police, Delhi  
Police Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi-110002.
2. Additional Commissioner of Police  
(Northern Range), Delhi Police Headquarters,  
M.S.O. Building, I.P. Estate,  
New Delhi-110 002.
3. Shri A.K. Patnaik,  
Additional Deputy Commissioner of  
Police (Central District)  
Delhi Police, Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi-110 002.



4. Shri S.B.S. Tyagi,  
Assistant Commissioner of Police/Karol Bagh  
Enquiry Officer,  
through Dy. Commissioner of Police/HQ (I),  
M.S.O. Building, Police Headquarters,  
I.P. Estate,  
New Delhi-110002.

... Respondents  
(in all the OAs)

(Shri Harbir Singh, counsel for respondent No.1 in  
all the three OAs.)

(Shri Harbir Singh, proxy counsel for Ms. Neelam Singh  
and Ms. Jasmine Ahmed, counsel for respondents 2 & 3 in  
all the three OAs.)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

As the aforesaid three OAs raise similar  
questions of law and fact, they are being disposed of  
by this common order.

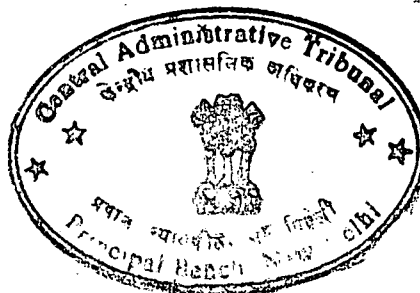
2. Disciplinary proceedings were conducted  
against the applicants herein and one Constable Shish  
Ram on the following allegations:-

"that while they were posted at  
P.S.D.B.G. Road and detailed for picket and  
patrolling duty at Rani Jhansi Road, they came  
across Sh. Mahabir Prashad s/o Ram Avtar  
Aggarwal R/o 4-F-4, NPH Road, Jodhpur (Raj.)  
alongwith his friend Virender Nath s/o Sh. Ram  
Nath, H.No. 11/82, Chanpasera Road, Jodhpur  
(Raj.). who had come to Delhi in connection  
with some business. They came to see picture  
at Liberty Cinema for night show. After seeing  
the picture at about 1 P.M. when they were  
going back to their hotel on a TSR, they were  
stopped by the picket staff on duty i.e. by HC  
Ajaib Singh No. 102/C and Const. Majid Khan  
No. 370/C, 2033/C. HC Dev Dutt No. 242/C and  
Const. Shish Ram No. 686/C who were on Motor  
Cycle duty were also present there. Const.  
Majid Khan No. 370/C, 2033/C took Mahabir  
Prashad and Virender Nath inside the police  
booth at Rani Jhansi Road, New Rohtak Road.  
Const. Shish Ram No. 686/C was already sitting  
inside the police booth. They started taking  
search, saying that they were coming from Kamal  
Restaurant. Const. Shish Ram No. 686/C took  
out Rs. 4000/- in denomination of Rs. 500/-  
notes (8 notes). When they asked why they were  
being subjected to such harassment as they had  
not committed any crime, the above police  
personnel threatened them that in case they  
were arrested they would have to spend  
Rs. 10,000/- each for release on bail. After  
taking Rs. 4000/- they were allowed to go. On  
reaching the Hotel Sh. Mahabir Prashad informed  
the PCR about this incident which was brought  
to the notice of the then DCP/Central District.



who, in turn, directed Sh. Deepender Pathak, ACP/UT, to look into the matter. Sh. Deepender Pathak, ACP/UT alongwith Mahabir Prashad came to picket Rani Jhansi Road and Mahabir Prashad identified HC Ajaib Singh No. 102/C and Const. Majid Khan No. 370/C, 2033/C. Sh. Deepender Pathak, ACP/UT also conducted a personally search of HC Ajaib Singh No. 102/C and recovered 8 notes of Rs. 500/- denomination each from his pocket and Rs. 1600/- was also recovered from his other pocket which again he could not account for satisfactorily. Deepender Pathak, ACP/UT gave message on wirelss and called HC Dev Dutt No. 242/C and Const. Shish Ram No. 686/C in the police station where they were also identified by Mahabir Prashad. They were placed under suspension w.e.f. 10.6.92 vide this office order No. 9084-91/HAP (AC-II)/C, dated 10.6.92." (10)

3. An enquiry officer was appointed, who examined witnesses in support of the prosecution. He has recorded statements of the prosecution witnesses as also defence witnesses. He, on the basis of the evidence, has found the aforesaid charges proved against the applicants. Copies of the findings of the enquiry officer were duly served on the delinquents, who in turn submitted their representations against the same. The enquiry officer in his report has relied upon the evidence of witnesses which had been recorded in the preliminary enquiry. As the said witnesses were residents of far away places and as their presence could not be secured without undue delay and expenditure, bringing on record of the ~~statements of~~ ~~aforesaid~~ witnesses after copies thereof were duly furnished to the applicants was in the circumstances justified under Rule 15(3) of the Delhi Police (Punishment & Appeal) Rules, 1980. No grievance, therefore, can be made on that account. The disciplinary authority considered the entire material on record including the representations of the applicants and by his order passed on 9. 6.1994 has



concurrent with the finding of guilt arrived at by the enquiry officer and has proceeded to pass the impugned order of dismissal from service. Delinquents carried the matter in appeal and the appellate authority by an order passed on 21.2.1995 have affirmed the order of the disciplinary authority and dismissed the appeal. Matter was thereafter carried by the delinquents in revision to the revisional authority and the revisional authority by an order passed on 22.4.1996 has affirmed the aforesaid orders and has dismissed the revision applications. Aforesaid orders are impugned in the present OA.

4. We have perused the entire material on record and we find that the finding of guilt arrived at in the disciplinary proceedings against the applicants is fully borne out by the material on record. Having regard to the seriousness of the misconduct found proved against the applicants, we further find that the order of dismissal from service is also fully justified. Principles of natural justice have been duly observed. We are not a court of appeal. It is, in the circumstances, impermissible for us to reappreciate the evidence and give a finding other than the one arrived at by the authorities below. No interference is, therefore, called for in the present OAs. The same are accordingly dismissed with no order as to costs.



(Shanta Shastri)  
Member (A)

sns

*Attested*  
*Harsh*  
*Co. Ct*

(Ashok Agarwal)  
Chairman

प्रमाणित सत्यप्रमाण  
CERTIFIED TRUE COPY  
दिनांक/Dated.....

अवकाश न्यायाधीश/Section Officer  
केन्द्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal  
प्रधान न्यायाधीश, नई दिल्ली  
National Bench, New Delhi