

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 2309/94

New Delhi this the 22nd day of July, 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)  
Hon'ble Mr. R.K. Ahooja, Member (A)

Shri S.K. Bhatnagar,  
Inspector Delhi Police,  
Flat No. 252-C, M.I.G. Flats,  
Rajouri Garden, New Delhi.

....Applicant

(By Advocate: None)

Versus

1. The Commissioner of Police,  
M.S.C. Building, I.P. Estate,  
New Delhi-2.
2. The Addl. Commissioner of Police(Opd), Delhi,  
M.S.C. Building, I.P. Estate, New Delhi-2.
3. The F.R.R.O./Dy. Commissioner of Police, Delhi.  
Hans Bhavan, New Delhi.

....Respondents

(By Advocate: Shri Anil Singhal  
proxy for Shri Anoop Bagai)

ORDER (Oral)

By Hon'ble Mr. R.K. Ahooja, Member (A)

The applicant was issued a show cause notice dated 9.9.92 by the Deputy Commissioner of Police for a minor penalty on the allegation that while posted as SHO Tilak Nagar he failed to take proper steps to ensure safe custody of seized property deposited in the Malkhana, inasmuch as a Scooter deposited in the Malkhana had been stolen by somebody. The applicant filed his reply and after considering the same the impugned order awarding the penalty of censure was passed by the Deputy Commissioner of Police (FRRC) on 10.2.93. The applicant thereafter filed an appeal which was rejected by the order of Assistant Commissioner of Police dated 1.11.93. A revision petition filed on 25.1.94 was also rejected as time barred by the Commissioner of Police.

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2. The applicant submits that the Commissioner of Police ordered the celebration of Delhi Police Day and a week long programme was chalked out. In view of additional requirement of space the Malkhana articles were placed outside. He further submits that applicant occasionally used to check the Malkhana articles. However, as he was busy in making the arrangements for the Police Day it was not possible for him to keep a regular check. He submits that the constable who was to protect the items has already been punished separately. Another ground taken by him is that after the loss of the scooter the Additional Commissioner of Police had also issued a show cause notice to him and, therefore, the DCF could not issue the second impugned show cause notice.

3. When the matter came up for hearing none appeared for the applicant. As this is an old case pending since 1994 we are disposing it off on merits in accordance with the CAT (Procedure) Rules 1987 after going through the pleadings on record and hearing the learned counsel for the respondents.

4. On perusal of the explanation called by the Additional Commissioner of Police we find that it was in no way a show cause notice under the Delhi Police (Punishment & Appeal) Rules, 1980. The communication from the Additional Commissioner of Police was to obtain an explanation from the applicant as to why disciplinary proceedings should not be initiated against him. These proceedings were actually initiated by the order of the Dy. Commissioner of Police, proposing a penalty of censure. There was thus no lack of jurisdiction by the DCF to proceed with the disciplinary case against the applicant.


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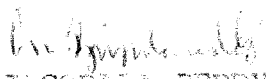
(b)

5. In so far as the explanation of the applicant that he was busy with the Delhi Police Day is concerned, it is a matter in which the Tribunal cannot go. Suffice<sup>it</sup> to say that the applicant being the SHO was responsible for the security of the Police Station as well as articles stored in Malkhana. Admittedly, a Scooter deposited in the Malkhana was stolen. Therefore, it cannot be said that there was no basis for the conclusion against the applicant that he was lacking in supervision which resulted in the loss of article from Malkhana.

6. The applicant also states that his revision petition should have been properly considered by the Commissioner of Police as had been done in many similar cases. We find that the revision petition filed by the applicant was rejected as it had been filed after the prescribed time and the applicant was also informed accordingly.

7. In view of the above discussion, finding no merit, ~~the~~ the CA is dismissed. No costs.

  
(R.K. AHUJA)  
Member (A)

  
(V. RAJAGOPALA REDDY)  
Vice-Chairman (J)

cc.