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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1234/2000

New Delhi this the 22nd day of August, 2000

(4)

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

Shamimullah
S/o Shri Mehboob Khan,
R/o H. No. 117, Police Colony,
Near Kella Godam, Shalimar Bagh,
Delhi.

...Applicant

(By Advocate: Shri Nasir Ahmed Khan)

Versus

1. Govt. of NCT Delhi
through its Chief Secretary,
5, Sham Nath Marg,
Delhi-110054.
2. Additional Dy. Commissioner of Police
North West District,
Delhi.
3. Dy. Commissioner of Police,
North West, Delhi.
4. Joint Commissioner of Police
Northern Range, Delhi.
5. The Commissioner of Delhi Police
Police Headquarter,
I.P. Estate, I.T.O.,
New Delhi.

...Respondents

ORDER (Oral)

By Mr. Justice Ashok Agarwal, Chairman

In disciplinary proceedings conducted against the applicant, a penalty of forfeiture of 3 years approved service for a period of 3 years without cumulative effect entailing reduction in his pay from Rs. 4305/- to Rs. 4050/- with a direction that he will earn increment of pay during the period of reduction and after expiry of penalty period, the reduction will not have effect of postponing his future increments has been imposed upon him by an order passed

W.L.

by the Disciplinary Authority on 12.8.99. Aforesaid order has been maintained by the Appellate Authority by an order passed on 21.3.2000.

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2. We have heard the learned counsel appearing in support of the present application. We have perused the entire material on record and we find that no cause is made out for interference with the aforesaid penalty imposed upon the applicant.

3. Enquiry Officer has examined as many as 8 prosecution witnesses. Applicant has cross-examined most of them. Applicant has examined three defence witnesses in support of his plea of innocence. Enquiry Officer on his evaluation of the evidence produced before him both oral as also documentary has found the applicant guilty of the charge framed against him. A copy of the report of the Enquiry Officer has been duly furnished to the applicant. Applicant has submitted his representation against the same. The disciplinary authority on a consideration of the evidence on record has accepted the findings of the enquiry officer and has proceeded to impose the aforesaid penalty upon the applicant. As already stated, ^{aforesaid} order has been maintained by the appellate authority. In our view, the finding of guilt ~~proceeded~~ ^{referred} against the applicant is based on cogent evidence on record. We further find that principles of natural justice have been duly followed. Having regard to the nature of the charge held proved, we do not find that the aforesaid penalty is in any manner disproportionate to the gravity of the charge found against the applicant.

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4. Present O.A. in the circumstances, we find it is devoid of merit and the same is accordingly dismissed.

V.K. Majotra
(V.K. Majotra)

Member (A)

Ashok Agarwal
(Ashok Agarwal)

Chairman

cc.

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