

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.1303/2000

New Delhi this the 23rd day of April, 2001.

(9)

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Constable (Driver) Parkash Chand  
S/o Shri Basu Ram  
R/O H.No. 214 Village & P.O. Shakur Pur  
Delhi. ... Applicants

( By Shri Sachin Chauhan, Advocate)

-versus-

1. Union of India through  
its Secretary, Ministry of Home Affairs,  
North Block, New Delhi.
2. Addl. Commissioner of Police  
Armed Police  
New Police Lines, Kingsway Camp  
Delhi.
3. Dy. Commissioner of Police,  
5th Bn, D.A.P.  
New Police Lines  
Kingsway Camp  
Delhi. ... Respondents

(By Shri Ajesh Luthra, Advocate)

O R D E R (ORAL)

Shri S.A.T.Rizvi, Member(A):-

On the allegations that on 1.7.1998, the applicant had made wrong entries in the log book of vehicle No.DEL-670 and had shown excess Kilometers while going to 3rd Bn.1 DAP, Vikas Puri and back to 5th Bn.Kingsway Camp, Delhi and ~~he~~ also lodged a wrong DD entry No.62, dated 1.7.1998 through Head Constable Jai Prakash No.189/NE with the Duty Officer, while returning from Vikas Puri that his vehicle got out of order and requested for another vehicle to tow-chain <sup>3/4th</sup> ~~and~~ the defective vehicle, ~~but~~ he drove the same vehicle next morning on the pretext of work assigned by senior

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officers and covered 49 Kms. unauthorisedly. The applicant has been charged for gross misconduct, <sup>& conduct</sup> negligence and carelessness and <sup>&</sup> unbecoming of a police officer.

2. We have heard the learned counsel on either side and have perused the material placed on record.

3. In the disciplinary proceedings undertaken against the applicant, he has been punished by the disciplinary authority by imposing a penalty of forfeiture of 5 years of approved service. The pay of the applicant was also reduced by five stages from Rs.3800/- P.M. to Rs.3425/- P.M. permanently with immediate effect for a period of five years containing a further direction that the applicant will not earn increments of pay during the period of reduction and on the expiry of that period, the reduction would have the effect of postponing his future increments. The disciplinary authority's aforesaid order was passed on 29.6.1999. The aforesaid order has been upheld by the appellate authority.

4. The learned counsel appearing on behalf of the applicant has taken us through the findings recorded by the enquiry officer as also the order passed by the disciplinary authority to show that there was no question of a wrong entry being made ~~in~~ in <sup>DD</sup> <sup>event</sup> the ~~out~~ in -so-far as the ~~out~~ of the vehicle going out of order is concerned. For this purpose,

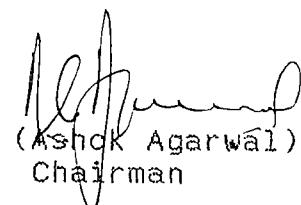
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the learned counsel has correctly relied on the evidence given by PWs 1 and 4. Similarly in respect of the other allegation of the vehicle being taken ~~on~~ the next morning on an unauthorised journey of 49 Kms. reliance has been placed and in our view correctly on the evidence of DW-2. This shows that the journey in question was performed during the trip undertaken to the residence of ~~the~~ Additional Commissioner of Police when the applicant took DW-2, <sup>to work</sup> Shri Kanhaya Lal, Gardner for gardening in the aforesaid vehicle. In view of the aforesaid position, allegations levelled against the applicant cannot be said to have been proved. The charge, therefore, fails.

5. In the circumstances, we find that the OA has merit and is accordingly allowed. Aforesaid impugned orders passed by the disciplinary authority and appellate authority are hereby quashed and set aside. Applicant will be entitled to all consequential benefits. No costs.



(S.A.T. Rizvi)  
Member (A)



(Ashok Agarwal)  
Chairman