

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2/2000

New Delhi, this 9th day of November, 2000

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri M.P. Singh, Member(A)

Ram Pratap Meena
632, Phase II, Tihar Complex
New Delhi-110 064 .. Applicant

(By Shri S.C.Luthra, Advocate)

versus

Government of NCT of Delhi, through

1. Principal Secretary(home)
5, Sham Nath Marg, Delhi-54
2. Addl. Director General-cum-IG(Prison)
Prison Hqrs., Tihar
New Delhi-110 064 .. Respondents

(By Mrs.Meera Chhibber, Advocate)

ORDER


By Shri M.P. Singh

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 challenging the order dated 30.7.99 by which he has been dismissed from service and order dated 16.12.99 by which his appeal against the dismissal order has been rejected. We find that the applicant is before us in a second round of litigation, inasmuch as that he has earlier filed OA No. 1863/99 challenging the dismissal order dated 30.7.99 which was disposed of by this Tribunal vide its order dated 25.8.99 directing the appellate authority to dispose of the appeal filed by the applicant against the dismissal order with liberty to move this Tribunal if he is aggrieved by the order of the appellate authority.



2. Admitted facts of the case are that the applicant, while working as Assistant Superintendent in Central Jail, Tihar, was apprehended by Delhi Police Crime Branch in the car in which notorious criminals including one Madan Bhaiya were travelling near Ashok Hotel and apprehending he had links and involvement with dreaded criminals, an FIR 270/99 u/s 186/353/307/34 IPC and 25/27/54/59 Arms Act was registered against him on 23.7.99 in PS/Chankyapuri. The applicant was arrested on the same day and sent to judicial custody by the learned Metropolitan Magistrate, Patiala House. He was detained in judicial custody for a period exceeding forty eight hours. Thereafter, he was placed under suspension. The disciplinary authority was of the view that it would not be reasonably practicable to hold a DE against the applicant since it is certain that during the entire departmental proceedings the witnesses would be put to constant fear of threat to their persons by the applicant due to his links and involvement with dreaded criminals and conducting departmental proceedings in such a situation would become virtually non-practicable. Thus keeping in view the overall facts and circumstances of the case, the disciplinary authority passed the impugned order of dismissal on the applicant under Article 311(2)(b) of the Constitution of India.

3. Heard the rival contentions of the learned counsel for the parties and perused the records.



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4. The main grounds advanced by the learned counsel for the applicant in support of his contentions are that there was no iota of evidence to suggest applicant's propensity with dreaded criminals except that he travelled in one of the cars, that dispensing with inquiry is based on surmises, conjectures and whims and fancy on the part of the disciplinary authority and that the impugned orders are non-speaking, bald and laconic without application of mind as none of the points raised by the applicant in his appeal have been dealt with. The learned counsel also cited a number of judgements decided by the apex court in support of the case of the applicant.


5. On the other hand learned counsel for respondents, while vehemently opposing the above grounds, has submitted that there arose a situation when the disciplinary authority had to take strict action against the applicant since his conduct from the beginning of his career in jail was not satisfactory. She further submitted that the applicant is still in judicial custody and he has not been granted bail by the court. Since the applicant is still in jail and it is certain that the witnesses would be put to constant scar due to his links with notorious criminals, the disciplinary authority was, therefore, of the view that it would not be reasonably practicable to hold a departmental enquiry against the applicant. Further his close association with noted criminals have caused a lot of embarrassment to the organisation apart from the fact that it is not

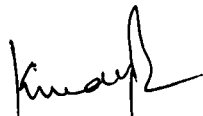


in public interest to retain such an element in a sensitive place like Tihar Jail and it was considered prudent to dispense with the services of the applicant.

6. We have carefully gone through the judgements cited by the applicant's counsel and also the impugned order of punishment. It is clear from this order that the applicant was earlier censured/warned to be careful in future for his omissions/commissions. We also find that the disciplinary authority has passed a speaking and reasoned order keeping in view the gravity of misconduct on the part of the applicant which does not warrant our intervention.

7. In view of the aforesaid detailed discussion, we are of the considered view that the OA fails and deserves to be dismissed. We do so accordingly. We do not order any costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

/gtv/