

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 2306/2001

New Delhi this the 11th day of December, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

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

Ct. Narinder Singh
S/O Shri Ajit Singh
R/O Room No.37, Master Mohalla
Libaspur, Karnal Byepass
Delhi. ... Applicant

(By Shri Mukesh Kumar Gupta, Advocate)

-versus-

1. Commissioner of Police, Delhi
Police Headquarters
I.P.Estate
New Delhi-110002.
2. Addl. Commisioner of Police
Armed Police
New Police Lines
Kingsway Camp
Delhi.
3. Deputy Commissioner of Police
Vth Battalion, DAP
New Police Lines, Kingsway Camp
Delhi. ... Respondents

(Shri R.K.Singh, proxy for Sh.Anil K.Chopra,
counsel)

O R D E R (ORAL)

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

On the charge of conniving with a fellow Constable in order to assist Head Constable Madan Singh in the absentee case against him, applicant has been tried departmentally and a penalty of forfeiture of approved service by two years permanently for a period of two years has been imposed upon him by an order passed on 23.7.1999 with the further direction that the applicant will not earn increments during the period of reduction and on the expiry of the said period, the reduction will have the effect of

postponing his future increments. Carried in appeal, the aforesaid order has been upheld by the appellate authority by an order passed on 16.2.2000. Both these orders have been impugned in the present OA. (9)

2. The learned counsel appearing on behalf of the applicant raises the issue of no evidence by contending that the respondents' letter dated 18.9.1997 which is at the centre of controversy in this case was not received in the ASIP branch in which the applicant was posted to assist a Head Constable as ^{letter} ~~he~~ was new to job. The learned counsel has taken us through ~~the~~ portions of the evidence recorded during the departmental proceedings and the report prepared by the enquiring authority. While we do realise that we cannot possibly undertake reassessment or re-appraisal of the evidence on record, still we have looked at the material portions of evidence to see for ourselves whether there is substance in the contention raised by the learned counsel. We are more than satisfied that there is plenty of good and convincing evidence on record to indicate and establish that ~~the~~ aforesaid letter dated 18.9.1997 was indeed received ^{on 23-9-97} in the ASIP branch where the applicant worked at the material time. He cannot, therefore, escape responsibility in the matter.

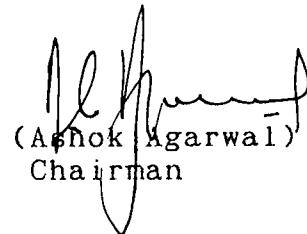
3. We have also perused the orders passed by the disciplinary authority as well as the appellate authority. Both have, in our view, dealt with the aforesaid point of controversy in sufficient detail ^{it is only} and convincingly and ^{after} careful consideration, the (2)

penalty of forfeiture of service as above has been imposed. Equally ^{again} after a careful consideration, the same has been upheld by the appellate authority after dealing with the very same question of receipt of the aforesaid letter of 18.9.1997 in the ASIP branch. (10)

4. In the aforesaid circumstances, the OA is found to be devoid of merit and is dismissed. No costs.



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



(Ashok Agarwal)
Chairman

/sns/